The Ethics of Animal Advocacy: Towards Biocentric Individualism

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I, Mark Reardon, declare that the work presented in this thesis is, to the best of my knowledge and belief, original, except as acknowledged in the text, and that the material has not been submitted, either in whole or in part, for a degree at this or any other university.

Signed.....Date.....

Abstract

The contemporary animal rights movement, in extending moral consideration to nonhuman animals, has in diverse ways already contributed to an expansion of the boundaries of the ethical community and what that may constitute. However, many environmentalists argue there is a failure within animal ethics to adequately address wider animal advocacy concerns, and that consideration of broader ecosystemic challenges elicit at best moot response from mainstream animal rights advocates. In taking an individualistically based biocentric approach, the essential aims of animal ethics can, I argue, be readily embraced into a theory of value that can address this wider remit. In aligning the applicability of a developed form of biocentric individualism with the ethical underpinning of notions of the 'illegitimacy of animal use' extrapolated from normative animal advocacy perspectives, my proposition is that these shortcomings can be ameliorated and that such an alignment forms a complimentary and useful fusion. Biocentrism as a value theory asks for moral considerability to be centred upon a respect for individual nonhuman (and human) life and the possession/continuation of a flourishing individual life - neither of which, I contend, is at odds with the essential spirit of animal ethics. In this sense, I submit that a developed biocentric individualism 'bridges the gap' between animal ethics and environmental ethics.

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Publications and conference papers arising from this thesis:

A review in the international peer reviewed journal *Perspectives: International Postgraduate Journal of Philosophy* in 2009 of Catherine Osborne's paperback release entitled *Dumb Beasts and Dead Philosophers: Humanity and the Humane in Ancient Philosophy and Literature* (Oxford: Clarendon Press, 2007), xi + 262 pp.

Conference paper given at the Manchester Green Political Theory conference in 2010 entitled *Caring about Animals: Welfare or 'Illfare'?*

A paper published in June 2011 in the international journal *Ethical Perspectives* entitled *Animal Ethics: Animal Welfare or Animal 'Illfare'?*

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Introduction

Intent

The broad aim of this thesis is twofold:

1. To critique contemporary perceptions of animal advocacy from an individualistically based perspective, arguing that dominant understandings and practices of animal advocacy limit our full moral obligations to individual nonhumans.

2. Further, to argue that these limitations are endemic to wider environmental policy and practice concerning nonhuman animals. I will contend that these constraints have their basis in an accepted 'legitimacy of animal use', and I will offer a challenge to this assumption of legitimacy of use through a critique of ecocentric thought and development of a form of biocentric individualism.

This thesis, then, will defend a particular, individualised biocentric notion of animal rights against (a) 'welfarist', (b) 'paternalistic', and (c) holistic approaches which have tended to dominate amid the recent flourishing of debates in the fields of environmental and animal ethics. The concept of animal rights, in extending moral consideration to nonhuman animals, has already contributed to an expansion of the boundaries of the ethical community and what that may constitute. This widening of scope raises questions about where the treatment of nonhuman animals fits within wider ethical issues concerning the environment in general.

Despite the contributions from animal rights advocates and environmentalists, I contend that an axiological problem remains in that animal protectionist arguments do not construct a comprehensive animal advocacy approach that adequately addresses the centrality of individual members of animal species.[1] This thesis will develop the argument that notions of the 'individual' are in fact central to a human understanding of our moral obligations to nonhuman animals. I further submit that the systemic view of nature at large is unavoidably hierarchical in structure, and that

[1] See Glossary for my working definition of what constitutes animal advocacy in the context of this work.

consequently the nonhuman individual is 'lost' in the dominant belief that hierarchy between groups forms the 'natural' order of nature. In order to properly fulfil the radical promise of an individualistically based animal rights position, I will argue that 'doing justice' to the individualism that is pivotal to this stance requires an elementary re-examining of the established hierarchical view in order to properly locate the nonhuman individual within the moral landscape. In achieving this, I will critique welfarist, paternalistic and holistic accounts of our obligations to the natural world, and propose that a developed rights-based position – one that fundamentally challenges the legitimacy of animal use as 'natural' – may indeed be conceived of as a justifiable and viable environmental ethic for the challenges of the twenty first century. This framework will develop through a six chapter analysis of the deontological foundations of animal rights, animal welfare approaches, the consequences of paternalism, a critique of holistic alternatives, construction of a conceptual foundation for a 'biocentric individualism' which will propose that concern for individuals and concern for the 'whole' need not be counterposed, and conclude with a discussion of the practical implications for a developed biocentric approach.

Despite developments in reassessing the boundaries of moral consideration to the nonhuman animal, there remains much tension within environmental thought and practice on where, and what, it is that merits such moral consideration, and furthermore how we distinguish our moral duties between individual nonhumans, groups and species. For example, animal rightists such as Tom Regan, argue that given a choice between saving one hundred of a common species and a few, say five, of an endangered species, we should choose the former as the number of *'rights to life'* affected is greater (2004). Typically, many environmental ethicists disagree with this approach and would save the endangered few – as their focus centres on 'collectives' and the perceived importance of the aggregated group to wider ecological interdependencies, rather than concern for the moral status of the individual lives in question. It is this category of problem that makes rapprochement between animal rights positions and environmental ethics at large conceptually (and practically) complex.

A substantial body of work has been accrued on the viability, political structure, policy and central aims of diverse 'ecocentric' perspectives.[2] However, despite agendas for a greater integration of the human *into nature*, much contemporary critique has remained fundamentally anthropocentric[3] in essence – customarily concerning itself in the final analysis with the human benefit from a so-called 'reading off' of nature. [4] Much 'holism' in environmental ethics thus contains a human bias at its very foundation that seeks to 'recreate' nature, but in highly selective terms. This in turn fosters tacit protectionist presumptions of the legitimacy of paternalistic worldviews which frequently enthusiastically embrace a systemic approach to animal advocacy.[5] Problematically for a rights-based view, such aims often stand in direct conflict with contemporary 'individualistic' ideas of animal rights: in short, there would seem to be a gulf between the metaphysics of 'care' for the nonhuman advocated in many ecocentric arguments, and notions of 'discrete' value for *individual* nonhumans. In exploring the viability of such a project through the prism of an individualistically-based position, I hope to offer a unique perspective and critique on 'The Ethics of Animal Advocacy', and the possible limitations of, and the potential opportunities for, interspecies relationships. It is important at the outset however, to clarify that green 'moral' thought is not green political theory. I do not wish to suggest in the body of this work that contemporary green political theory is essentially indistinguishable from environmental ethics. As Alan Carter notes in discussion of green political theory, such obfuscation makes green political theory all too vulnerable to the disagreements within the 'moral' debate – the subject matter of which is the very lifeblood of this thesis (1999, p.197).

In synthesis, I will argue that the current 'institutionalized' principles and practices of holistically based attitudes toward nonhumans, and likewise mainstream animal welfare policy that professes to work 'within' normative boundaries, have

[2] Some pivotal examples are Murray Bookchin's *The Ecology of Freedom* (1982), J.B. Callicot's, *The Intrinsic Value of Nature in Public Policy (* 2005), Alan Carter's, *A Radical Green Political Theory* (1999), Anvar De-Shalit's *The Environment: Between Theory and Practice* (2000), Alan Dobson, *Green Political Thought* (2007), Tim Hayward's *Political Theory and Ecological Values* (1998) and John O'Neill., A Holland and A Light, *Environmental Values* (2008).

[3] See the Glossary for my general use of anthropocentrism in this work and the important distinction to be made between anthropogenic provenance and anthropocentric ways of thinking.

[4] Here I refer to the attempt to read off moral strictures from our perception of nature itself. Typically, this takes the form of arguments that nature is red in fang and claw and thus many of our practices towards nonhumans such as meat eating or sport hunting merely naturalistically reflect 'nature's way'.

[5] See Glossary for working definitions of holism and paternalism in the context of this work.

embedded within them serious theoretical anomalies that, subsequently, colour wider animal advocacy in subtle, yet decisive ways. This, I will argue, chiefly takes the form of an *illegitimacy of use* arising from a failure to recognise or acknowledge the *presumptive utilisation* of individual nonhumans that I argue throughout, is endemic to contemporary animal advocacy. I start out therefore by proposing two distinct classes of moral concern in broad terms: Firstly, what I am calling 'animals in human servitude' - and begin to argue for radical change in our welfare-based moral responses. And secondly, so-called 'wild' animals, and argue in the body of my work that conventional paternalistic attitudes are deeply problematic in that the presumption of the legitimacy of our 'use' of nonhumans identified in welfarism subtly *carries over* to holistically based conservation principles and practices.

I will argue that current (and arguably limited) 'paternalistic' approaches continue in large part to inform the wider debate within environmental ethics at large, and that the contemporary notions of animal advocacy may in fact stultify, restrict and confine our understanding of our full moral obligations to nonhuman individuals. Within this framework, this thesis will then explore the points of intersection between the firm ecocentric bedrock of valuing the intrinsic nature of 'nature', the concern for nonhuman welfare, and contemporary individualistic animal rights-based arguments. My contention is that there are principal points of intersection between an animal rights-based position and appropriate wider animal advocacy which require fundamental re-examination of our theoretical and applied interspecies moral concepts. Exploring wider animal advocacy theory and practice ('beyond' the central animal ethics debate) will, I believe, create a space for reconsideration of contemporary animal advocacy theory and practice and its place within this distinct paradigm. There are, broadly speaking, three theoretical approaches that form the framework for this exploration: Animal Rights, Animal Welfare and Environmentalism. If we are to formulate a simplistic distinction, then each tends to differ primarily in their criteria of intrinsic value - and each draw lines of moral considerability in different places:

1. For animal rights advocates the criterion is essentially subjecthood. We may say then that the animal rights perspective originates in our respect for the 'independent' perspectives of animals.[6]
2. For defenders of animal welfare the criteria are sentience and/or the capacity to suffer. In this sense, animal welfare perspectives originate in our sympathetic reactions to nonhuman animals.[7]
3. For many environmentalists the criterion is in essence the 'contribution' as *part of* a system of life that individuals and groups make. Thusly, environmentalist perspectives originate in our wonder at the awe of 'nature' and those animals within it.[8]

Chapter One is entitled 'Rights and Animals: An Overview', and will form a platform for my thesis. I will outline my interpretation of the theoretical, political and social construction of what I consider constitutes an animal rights-based ethic and the place that this currently occupies in contemporary ethical thought. Primarily this sketch will afford the opportunity to contextualize a broad animal rights perspective for the reader, and ground subsequent argument for an individualistic and biocentric approach. Despite the modern 'willingness' to engage with debate on the moral status of the nonhuman within ethical discourse, it is my contention that the case for animal rights, as presented here, remains to greater or lesser extent predominately within the domain of theoretical discourse. Indeed, in starkly realistic terms it is clear that we remain very far from fostering a culture that routinely respects the rights of

[6] Chiefly see Tom Regan *The Case for Animal Rights* (2004) and Regan and Carl Cohen discuss the nuances of both sides of the debate in the seminal work *The Animal Rights Debate* (2001). For further discussion on the theme of 'rights' - especially in relation to 'animal rights', see Mary Anne Warren, *Moral Status: Obligations to persons and other living things* (1997), J Wiener, 'Perspectives: Animal rights, human rights, public rights' (1989), T Sprigge, 'Interests and Rights: The Case against Animals' (1981), J Smith, 'Morals, Reason and Animals' (1991), Roger Scruton, *Animal Rights and Wrongs* (2000), D Porter, 'Our philosophy concerning animal rights' (1991), Onora O'Neill, *Kantian Ethics* (1993), Thomas Nagel, *Moral Questions* (1979), A McKay, 'Moral Status: Obligations to Persons and Other Living Things' (1998) and J Hamil, 'Humankind's uses of animals' (1995).

[7] Famously Peter Singer defends the animal liberation position in *Animal Liberation* (1995) and *Practical Ethics*. (1993).

[8] Key theorists include Baird Callicott in 'Animal Liberation: A Triangular Affair' (1979), Arne Naess 'The Deep Ecological Movement: Some Philosophical Aspects (1986), Bill Devall and George Sessions, *Deep Ecology: Living As If Nature Mattered* (1985), and Warwick Fox in *A Theory of General Ethics: Human Relationships, Nature and the Built Environment* (2006), also for a broader perspective see an earlier paper entitled, 'Deep Ecology: A New Philosophy of Our Time?' (1984).

animals. Despite the daily industrial scale (ab)use of animals before us, it would seem that the ever-present gulf between ethical theory and practice has rarely been so vast in expanse than in our daily dealings with nonhuman animals.

This is not of course to ignore the very real and laudable advances in recent times in animal welfare (at least in some parts of the world), due in no small part to selective animal rights and welfare issues entering the public arena – high profile examples of which include issues around battery farming, the use of veal cages, organic production and 'free range' initiatives. Nevertheless, as I will discuss in chapter two, clear distinctions need to be made between (i) the fundamental case for ascribing a framework of rights to nonhuman animals and the far reaching implications thereof, and (ii) what generally is understood in the contemporary mindset to be 'animal welfare' advances in broader terms.[9] I will follow with a discussion of perceptions of animal rights in public discourse and the challenges of the rights view, and go on to further speculate on the future of a contemporary reading of a rights-based standpoint whilst contrasting this with themes endemic to the wider debate on animal rights and welfare within the broader ecological landscape.

Chapter Two, 'Welfarism and Animals: The Limits of Animal Advocacy' will discuss our duties and obligations to the nonhuman animal in the context of a welfarist position and contrast this with a rights-based view. Both positions are clearly in support of animal interests, but have at their core conceptually diverse and far-reaching theoretical divergence. I contend that notwithstanding the expedient benefits that the professed safeguards of welfarism affords and the cumulative lessening of suffering for some 'farmed' animals, the idea of 'animal rights' has deeper meaning and sense of permanency than contemporary protectionist viewpoints might suggest. I argue, for example, that viewing rights as equating primarily to welfarist aims ranging from education to legal protection does not encompass the 'spirit' of what it is to be attributed rights in general. Furthermore, the welfarist concept of 'rights' leaves the welfare of nonhuman animals arbitrarily open to interpretation according to politics, period and place. Those who would voice concern for the welfare of nonhuman animals need, I submit, to truly understand

[9] Gary Francione makes plain this dichotomy of thought within the debate as a starting point for his animal rights theory in *Rain without Thunder: The Ideology of the Animal Rights Movement* (1996).

what it is that is being asserted in advocacy of animal welfare. Focusing firstly on welfare theories, I will critique the validity of forms of welfarism within the current animal welfare debate. Subsequently, I will explore dominant strands of welfarist thought and practice and assess their limitations in a tripartite discussion of the hope of welfarism, the problem of welfarism and welfare in practice in the light of a rights-based perspective.

Further, in Chapter Three, headed 'Paternalism and Animals: Protectionism and Environmental Ethics' I argue that the central problems of welfarism identified in chapter two, *persist* in our '(mis)management' of nonhumans, and serve to shore up the paternalistic underpinnings of conservation and preservation principles and practices. A paradigmatic problem for the rights view for many who would ascribe to protectionist credentials in this respect is discussed: namely, given its individually centred ethic, how might an individualistic rights-based position provide a credible basis for our 'obligations' to systemic environmental management, preservation of ecosystems and conservation of endangered species? If any sense is to be made of such a question, this category of enquiry must presuppose an implicit acceptance of some form of 'obligation' to the nonhuman world. Ideas of obligation and duties to others of course can take many forms other than general *prima facie* duties of kindness or beneficence. In a wider sense, within the human sphere, if we are to acknowledge the uncontroversial proposition that there exist meaningful incumbent duties to one another - which evidentially in our daily interactions exist in diverse manner frequently independent of formal frameworks of justice – then it is probable that similar kinds of obligations and duties will be occasioned in our interrelations with other-than-human animals. In addressing this broad claim, concepts of 'stewardship' will be evaluated through an analysis of current normative practices in environmental management. In exploring how conservation and preservation theory and practice impacts upon our ideas of moral considerability to nonhuman animals, I question the validity of our moral responses to the concept of 'managed' nature, and the place of the individual animal within it.[10]

Chapter Four, entitled 'Ecocentric Ethics and Animals: The New Stewardship Creed' considers the synthesis of a rights-based view with ecocentric environmental perspectives. Given that it is the self-same rights and welfare of animals discussed in

[10] For further insight, see Joan Dunayer's discussion of these themes in *Speciesism* (2004).

chapters one and two that remain at stake in innumerable human interactions with 'wild' nonhumans, I critique the claim of ecocentrism to provide the basis for a wholly sufficient and appropriate animal advocacy. Although discourse on animal rights and welfare issues may be seen to be increasingly legitimate in mainstream debate, those who actively seek to ground a framework of workable rights for the nonhuman animal are nevertheless frequently viewed as radicals. In analysing the theoretical foundations of 'radical' ecocentric positions, I will focus in on the points of intersection and departure between a broad holistic perspective and an individualistic rights-based stance. The chapter concludes with a discussion of the implications of contemporary holism in relation to animal rights advocacy within the UK, speculating on future developments and their significance for our moral responses to the nonhuman individual.

Following on from the discussion of holism, Chapter Five, 'Biocentrism and Animals: A Fresh Perspective', will explore the potentialities for the individualistic model developed in the body of this work and the application of this suggested individualistically based framework. I will discuss the reductionist views that tend to dominate environmental ethical thinking, and question the dominant view that there are extant 'two movements' that consider humankind's 'place' in nature and our subsequent moral responsibilities to the nonhuman world. In synthesis, I will develop a version of an individualistic 'biocentric individualism' as a suggested framework for my arguments, substantiating the *illegitimacy of use* arising from the normative positions of the animal ethics debate. This posits, in essence, that it is only individual living organisms that have interests and not aggregate groups such as species, ecosystems, or biotic communities, and central to this claim is the idea that the biocentric view (at least my interpretation of such), accords no *automatic* priority to beings that are deemed to be more sophisticated (and pointedly, this includes human beings). In this respect I will argue that biocentric individualism may indeed form a legitimate animal advocacy ethic for the twenty first century (Varner, 2004).

In what will form the conclusion for this work, in Chapter Six entitled 'Biocentric Individualism and Animals: From Theory to Practice', I will explore the practical implications in matters of conflict of interests, and as to what contextual factors may have relevance in relation to each other in adoption of the biocentric approach to animal advocacy developed within this work. After an introduction to the

principal issues that a biocentric view likely needs to consider in practical application, the tripartite central themes of this thesis will be 'revisited' in discussion of their functional implications for a developed biocentric and individualistic account. This re-examination will begin with an exploration arising from the critique of welfarism in chapter two. Following on from this evaluation a central problem drawn out from discussion of paternalism in chapter three will be examined in the context of the *assumptions* of the legitimacy of selective value hierarchies, and how these assumptions colour actual practice. Lastly, holistic approaches to animal advocacy arising from an ecocentric perspective discussed in chapter four will then be re-examined in the light of the practical implications for the developed individualistic and biocentric position advanced in chapter 5. In conclusion, an exploration of the broader themes that application of theory to practice must inevitably encounter will be undertaken in respect to the development of the individualistic account suggested in this work.

1. Rights and Animals: An Overview

> It will not do to ignore moral argument just because it has always been ignored. Immorality sanctified by tradition is still immorality. Bernard E. Rollin, *Animal Rights and Human Morality.*[1]

In this opening chapter my intention is not to attempt a protracted defence of animal advocacy, but rather to endeavour to draw an outline of contemporary interpretations of an animal rights-based position in order to contextualize a broader animal advocacy perspective for the reader. As prerequisite to the later development of arguments for a rapprochement between animal ethics and environmental ethics, this preamble will afford the opportunity to delineate my interpretation of the theoretical and applied construction of a rights-based ethic, and the place that this currently occupies within contemporary ethical thought.

At the outset a somewhat obvious observation needs to be made explicit: that the case for animal rights, put forward here, is not conceived of in a vacuum. It stands firmly upon the rich and diverse foundations of liberal thought that seeks to interpret and administer a broad liberal agenda. Clearly then for many, at the conceptual outset the prospect of animal rights makes little sense without some commitment to extant liberal principles. Simply put, in a peculiar sense, everyone who believes in human rights believes in animal rights – *since humans are animals.*[2] Arguably, in practice, the case for animal rights is largely negated if one entirely refutes the liberal case for human rights.[3] However, despite this correlation, I in no way wish to imply that ideas of animal rights necessarily conflate with contemporary liberal notions of human rights. Although the case for animal rights frequently overlaps, interlinks and draws upon the philosophical and theoretical foundations of human rights, the fact that they arise from the same cultural stable does not equate to a mere extension of what may represent human rights to the nonhuman. In this

[1] Quoted from Bernard Rollin's comprehensive work on animal ethics, (2006), p.169.
[2] See the Glossary for my general use of anthropocentrism in this work and the important distinction to be made between anthropogenic provenance and anthropocentric ways of thinking.
[3] I do not imply here that one must or indeed should hold to the concepts of human rights before agreement upon a conceptual model of animal rights. Rather, I merely suggest that assent to the 'spirit' of what 'rights' represent (in its most basic form 'the 'right to be considered as a moral subject by any person who has moral principles'), is likely to be a shared assent to the liberal 'principle' of the protection that rights assign.

sense, the kinds of presuppositions that foment the case for human rights are, for many, absent in application to nonhumans. Indeed, it is the very difficulty of ascribing meaningful moral status to nonhumans that tends to shape much of the debate within the animal ethics discourse.

In both cases however, it is my contention throughout this work that although rights may frequently be conferred upon groups and aggregated categories - such as for example, women's rights - the notion of rights and the moral considerability it engenders can derive meaning in recognition of discrete individual preferences or interests, and not merely in abstract ideas of aggregate identity. Importantly for an understanding of the use of the term 'animal rights' as used throughout this work is acknowledgement that animal rights, as interpreted and used here, does not seek as a primary goal a structured, literalised and legalistic 'pantheon of rights', but endeavours to readdress, redefine and reassess what may constitute our moral obligations to nonhuman beings.[4] Broadly expressed then, 'right' in this context is to be viewed in broader perspective as the 'right' to be considered as moral subjects by any person who has moral principles, regardless of what those moral principles may be. It is this expansive interpretation of animal rights that is to be adumbrated here for the reader as an introductory text prior to discussion of wider animal advocacy issues in the subsequent chapters.

1.1 The animal rights view today

Before drawing upon the salient themes within contemporary animal rights theory, it is initially worthwhile acknowledging that the very notion of rights – in its widest sense – is itself by no means self-evident, and can have many connotations in

[4] See Glossary for a working definition of rights in this context and its general usage within this work. Further, it is noteworthy that the debate within and without animal ethics is generally termed the 'animal rights' debate. This is somewhat of a misnomer however, as this encompasses diverse theoretical and practical interpretations such as welfarism, abolitionism and various positions juxtaposed between these - and not necessarily strictly rights-based ascriptions. In this nominal sense, I believe the 'language' of rights cannot rightly be ignored entirely in a work on 'animal rights'. Please see note [4] below, and Glossary for further explanation of my usage.

commonplace assumptions as well as in theoretical discourse and legislation.[5] 'Animal rights' is no exception. On a straightforward interpretation, the *idea* of animal rights may enjoy widespread consensus, with many agreeing that animals 'have rights' – at least in the sense that we humans may not treat them in any way we wish.[6] This assertion does not however adequately encapsulate the animal rightist viewpoint to be outlined here. Individuals are frequently (and often happily) responsible for the welfare of animals in their care, but this is plainly not the same as universally bestowing certain rights on animals. We therefore need to distinguish between what may constitute animal welfare in its many forms, and the divergent animal rights position - both in theoretical and practical terms. This divergence in ways of thinking about interspecies relationships is fundamental to an understanding of our treatment of other animals and, by extension nature at large – and indeed to my thesis here. The issues surrounding these deep-seated views are complex and polemic, and in chapter two I address some of the salient contemporary arguments that form the basis for the schism. In this introductory chapter to contemporary animal rights arguments however, it is sufficient to note that this distinction remains crucial to societal attitudes to 'animal rights' issues and the broader ethical context regarding the moral status of the nonhuman animal.[7]

Respectful Treatment and the Subject-of-a-Life

At this early stage, let us start with a brief outline of a central tenet of the ostensible rights view. Tom Regan formulates this precept as 'both human and nonhuman subjects-of-a-life have a basic moral right to respectful treatment'.[8] An initial remark

[5] It should be noted at the outset that ascribing 'rights' is not of course the only medium for being humane. Various forms of virtue ethics, consequentialist theories, ethics of care and even religious edict also frequently proclaim duties of care to nonhumans. For further insight see, James Sterba (2000,2006), David Styzbel (2006,2007), Marti Kheel (2000, 2008), Peter Singer (1995,2006) and Mary Anne Warren (1997,2000) for some notable contextual alternatives to a rights-based view.

[6] I am referring here primarily to those animals that humans have direct interaction with – these may include companion animals, farmed animals and some wild animals. See chapters 2 and 3 for discussion of those animals deemed 'deserving' of some form of protectionism.

[7] The use of the term 'nonhuman animal' is now commonplace within animal ethics. Clearly, the conventional language that sets mankind apart from all other animals presents a linguistic dichotomy (human/animal) that permeates our cultural understanding of humankind and its place in nature. The adage that *not every animal is a man; but every man is an animal* is apt. See Dinesh Wadiwel for an interesting discussion of Aristotlian logic in this context, (2008).

[8] This for Regan forms a cornerstone of his theory (2004), p.xvii. Regan himself defines such beings as those who possess beliefs, desires, perceptions, memories, a sense of their own future, an emotional life, preference interests and sensations of pain and pleasure and as such '*the value*

is worth noting here: Regan tends towards defining subjects-of-a-life as mentally normal mammals of a year or more. Of course any 'line drawing' is arguably dependent upon ones criteria for inclusion or exclusion, and indeed the argument from marginal cases – what (who) does or does not 'deserve' moral status – remains open to lively debate within ethical discourse. Typically, it is straightforward to assign attributes to the human that fall well beyond the scope of the nonhuman - such as the ability to perform advanced mathematics as one obvious example, but much more difficult to locate any supposed border itself. Notwithstanding, at the very least Regan's delimitation of what constitutes a subject-of-a-life remains a useful yardstick for wide-ranging contemporary debate around diverse issues of animal rights – most crucially in its pragmatic capacity to *set the ball rolling* on current public debate around issues of animal advocacy.

Within contemporary discourse, a well rehearsed rebuff against ascribing (some) animals moral standing turns upon what is often premised to be an 'intuitive' acknowledgment of our superior capabilities over the nonhuman.[9] It would seem for many that it is little short of substantive 'fact' that the life of a human individual *is* (but of course not always) enriched with complex cognitive abilities that seem not to be found in the animal world in such richness. These dynamic human abilities foster a plethora of advanced problem solving skills, diverse aesthetic appreciation, a capacity for 'spiritual' awareness and seed ever expanding technological development. However, irrespective of these observations, animal rights advocates forward a stark observation: that the mere 'fact' of difference provides no firm moral basis for arbitrary exploitation. This thought is crucial to the rights view. Indeed, this pivotal notion, when viewed together with the mandate for respectful treatment of subjects-of-a-life, clearly calls into question hitherto commonplace assumptions concerning our relationships with nonhuman animals. It may of course not be enough merely to rest upon these general principles of respectful treatment and ideas of difference as providing no moral basis for arbitrary exploitation. We inevitably find in the everyday causally complex interrelationships that compose the lives of all life on earth a seemingly constant theme – that of endemic conflict. This

of those individuals who satisfy these criteria have a distinct kind of value – inherent value – and are not to be viewed or treated as mere receptacles' (2004), p.243. This then constitutes the broad working definition of the term in the context of this work.

[9] See Roger Scruton (2000) for a good example of ethical argument grounded in a presumption of the legitimacy of such an 'intuitive', and for Scruton, persuasive view.

necessarily gives rise to an 'unavoidable' array of choices arising from *specific* divergent needs that - due to the very nature of complexity - cannot always easily be subsumed within generalized categories. For example, even when humans decide to 'do nothing' and take no direct action in a specific case, the inherent complexity of interrelations may, in reality, mean that animals are nevertheless *indirectly* harmed.[10] Given such complexity, recourse to general principles in interspecies relationships may not necessarily adequately inform us on how to act in *specific* conflicts of interest. Naturally, it is less difficult to 'second guess' what other humans may wish to avoid or pursue and generalize to intraspecies ethical principles and practice, than it is to attempt to formulate 'interspecies' ethical principles. This is of course a recurrent problem with application of 'theory-to-practice' that all ethical systems face, and by no means unique to moral deliberation on species' interrelationships. I submit, however, that greater caution must nevertheless be exercised in presuming to comprehend the interests of other-than-human animals – a theme discussed at length in chapter three.[11]

Nonetheless, what constitutes the general in the case of respectful treatment is not merely theoretical, but can usefully be weighed against the rigorous and comprehensive tradition of broader applied ethics within the human domain. In a nutshell, if we are to treat subjects-of-a-life with respectful treatment as a general principle, but necessarily concede that in specific instances there will be a conflict of interests that may in practice 'cause' harm, then, as Regan points out, these instances should be viewed as 'exceptional cases' and that 'exceptional cases cannot fairly be generalized to unexceptional cases' (2004, p.xxx). This idea is not new and variations on this principle are found in much established moral theory, and have historical credence in diverse philosophical traditions. What is illuminating here however is how this principle relates to our concepts of value – and specifically in this instance - the value humans give to nonhuman animals. Plainly, when one conveys concepts of value within any ethical theory such notions are notoriously open to wide interpretation, ambiguity and at minimum call for precision of definition.

[10] We might think here of the plethora of 'omissions' of moral action in cases of potential animal advocacy – the things that may well have far reaching moral import that we simply neglect 'to do'.

[11] I use the phrase 'other-than-human animals' sporadically throughout this work and alternate it with the term 'nonhuman animals'. Although seemingly somewhat grammatically cumbersome, it nevertheless avoids the linguistic bias built into the human/animal dichotomy (humans are after all 'animals'). See Joan Dunayer (2004) who coins and uses this phrase repeatedly.

For example, within the animal rights debate at large, there are several forms of adversarial appeals to exceptional cases in order to argue against the rights position. These frequently place much emphasis on exceptional circumstance, and thus – from Regan's perspective at least - recurrently commit the offense of unfairly generalizing to unexceptional cases.

A contemporary reading of the rights-based view does not however propose that the value of the life that subjects *lead* need to be seen as intrinsically 'equal'. As Regan's view posits, the inherent value of a given subject-of-a-life is no more or less than the inherent value of any other subject-of-a-life – but in the normative sense of the theory this does not mean therefore that all have lives are equal *in* value. A human life may entail many more potentialities for satisfaction and thus to this degree (greater possible sources of satisfaction) *is* – at least from this perspective - more 'valuable'. Crucially however, the rights view is decisive in its denial that this sort of value judgment should permit exploitation on these grounds alone. Whilst Regan himself concedes that 'real' lifeboat scenarios (as opposed to the purely – and often ingenious - hypothetical) may indeed call for the nonhuman to be 'sacrificed' before the human – the rights view, at least as propounded by Regan, is nevertheless clear in its strict insistence on delimitation of the *specific* (and relatively rare) and the *general* (relatively commonplace interactions). Ideas of this 'sacrificial' kind are discussed (and critically questioned) in greater depth in chapter three in the context of conservation and preservation practice.

So much for a need to define specific and exceptional cases; but how might then the rights-based view address ideas of a general (universal) nature – what we may term the 'categorical imperatives' for interspecies relationships? To reiterate, animal rights-based positions in ethics ascribe to human and nonhuman animals alike a basic right to respectful treatment, moreover, as such it further attributes moral standing to many nonhuman animals. Indeed, the concept of moral standing – the 'who' or 'what' is to count, and how they count, in our moral deliberations - remains one of the most basic tenets of ethical thought. Simply put, for any being to be ascribed moral standing is to be recognised as the kind of being whose interests are to be considered when the actions of others will impinge upon it. As Daniel Berthold-Bond puts it, 'Moral standing is thus a sort of moral (and certainly cultural, social and political) space in which one is located or is seen to stand' (2000, p.8). Therefore, in short, the rights view deems the instrumental 'use' of the nonhuman

animal as *intrinsically immoral* - in that it violates the moral standing of an individual nonhuman.[12] It is this standpoint, above all else, that for many bestows the rights view with an undeniably radical agenda, and it is this inherently radical perception that I wish to recurrently address throughout this thesis.

John O'Neill highlights two possible approaches to such 'categorical' ethical questions over the moral standing of animals: firstly, those that concern the *'class of beings'* who deserve moral consideration, and secondly, those that concern the *'domain'* of beings or states of affairs that have intrinsic value (2008). In either case, a distinction must be made between ideas of moral *agency* and what it is exactly that may sufficiently warrant moral *consideration*.[13] Assigning 'supremely human' traits to our species has, for many, fomented in the modern psyche a deeply anthropocentric bias[14] – and, at worst, has been the cornerstone for exclusion and 'rational' legitimisation of the power and the privilege of our own species over the nonhuman (Warren, 1997, p.10).

Questioning animal rights

In more pragmatic terms, whether animals can be attributed moral status and therefore be attributed some form of rights cannot be properly considered without brief mention of some further positions within current discourse upon the status of the nonhuman animal that attempt wholly to *deny* the nonhuman animal the protection that ascribing moral standing may afford.[15] For example, contractarianism broadly claims that any duties to animals are 'indirect' in nature and necessarily

[12] Defined here in broad terms as the valuing of things as a means of achieving something else. Using nonhuman animals in this respect ignores any value that the individual animal may possess in and of itself. The 'use' of such is therefore legitimised on this view in that it simply fulfils an instrumental need or want for human beings. What this 'use' may entail for animal ethical theory is the central theme of chapter two in discussion of animal welfare theory and practice.

[13] The idea of sufficiency is the life-blood of animal ethics of course. Normatively, moral agency (loosely, defined as responsibility for making moral judgments and taking actions that comport with morality) is normatively attributed to human persons.

[14] Throughout this work I use the term in the commonplace understanding that broadly defined constitutes the tendency for humans to regard themselves as the central and most significant entities in the universe and thus recurrently tend towards an unreflective assessment of 'reality' through an exclusively human perspective. See also the footnote page 30 for a distinction between anthropogenic origin and developed anthropocentric attitudes. Also see the Glossary for my general use of anthropocentrism in this work and the important distinction to be made between anthropogenic provenance and anthropocentric ways of thinking.

[15] I merely mention these positions, suggesting further references for each view and leave the reader to interpret the views mentioned - as an extended explanation of each is clearly extraneous to my central arguments here.

secondary to human needs and development.[16] Further, what Richard Ryder coined as 'speciesism' has at its core intrinsic species prejudices and thus places human interests paramount in its moral deliberations.[17] Although advocated within a broad animal welfare position, preference utilitarianism is strictly consequentialist in its utilitarian calculus of harm and good and as such does not directly ascribe 'rights' to nonhuman animals. [18] In addition, Kantian thought clearly demarcates ideas of what constitutes a person, and subsequently assigns rights only to this category.[19] More contemporary notions that fall under the category of *'limited inherent value'* posit that all have value, but only humans have intrinsic value.[20]

Notwithstanding these general themes of the ongoing theoretical debate within animal ethics, there is for many, in the final analysis, an empirical dimension embedded within much debate as to whether humans occupy a 'special' moral place in nature. 'Evidence' here can only be accrued by comparison to human cognitive capacities and must therefore be assessed *in* human terms and *within* human definitions. In this limited sense the postulate that human beings are of an entirely special moral order, by its utter subjectivity (*we* decide what *we* are based upon *our* assessment of *ourselves*), arguably dilutes any faithful substantive findings regarding the moral status of other beings. Underlying these concerns about subjective bias is perhaps a more fundamental epistemological problem regarding how we view the natural world in general. There is what Andrew Collier terms an *'epistemic fallacy'* that underlies much of our deep anthropocentrism: namely, the transposition of

[16] The chief proponent may fairly be said to be John Rawls who explicitly draws a distinction between those owed direct duties and indirect duties, for an early critique see The sense of Justice, *Philosophical Review72* (1963), p.284 and his pivotal *A Theory of Justice* (1971). However, there have belatedly been attempts to extend contract theory directly to animal ethics in general. See in particular Mark Rowlands' work *Animal Rights: Moral Theory and Practice* (2009), pp.118-176 for an incisive contemporary example. Although a thought-provoking alternative to utilitarian and rights orientated views, I do not pursue Rowlands view – which is based upon a form of Kantian contractarianism - in this work as my development of a biocentric outlook, I believe, takes the challenge 'further' than contemporary animal ethics arguments into wider animal advocacy domains. In this sense, to critique at length diverse 'alternative' animal ethics stances is unhelpful, and I feel serves to largely detract from my central aim – that of 'broadening' the remit of animal advocacy at large. See chapters five and six for development of my particular view in this regard.

[17] For an extended discussion see Richard Ryder, *Speciesism in the Laboratory* (2006). 'Speciesism' in its simplistic form, is the assigning of different values or rights to beings on the basis of their species membership

[18] Famously Peter Singer defends the animal liberation position in *Animal Liberation* (1995) and *Practical Ethics.* (1993).

[19] For Kantian discussion specifically relating to the moral status of nonhumans see Kant's *Critique of Teleological Judgment* (1928).

[20] For a contemporary view see John O'Neill et al (2008).

questions about what there *'is'* into questions about what we can *'know'* (1999, p.80). Effectively, according to Collier, our ideas are in this sense *'reflections'* of reality in us - and thus, knowledge is the 'human representation of reality', it would seem therefore that in consideration of the moral status of the nonhuman this transposition of the *concrete* to our ideas of what constitutes 'knowledge' only serves to further confound any hope of irrefutably conferring 'empirically' based moral (or indeed 'non-moral') status to the nonhuman.

Despite the difficulties of identifying any *falsifiable* substantive grounding for assigning or not assigning moral standing to the non human, there is for many critics of a rights-based view a more pragmatic problem in any practical attempt to confer ideas of a moral status on some (or all) animals: that, in so doing, our ideas of moral worth would (in a strict interpretation) require that we confer *burdens* upon the 'voiceless' in expectations of reciprocal rights and responsibilities. Thus, for many, practical application of any (systematic) conferring of rights to the wider nonhuman world would seem at best plainly unworkable within this framework. Some of these recurrent themes are extrapolated in chapters five and six in discussion of biocentric individualism and what this may mean for interspecies interrelationships.

At minimum however, we may say that to attempt to comprehend any 'genuine' right fully – regardless of intraspecies (human domain) or interspecies (human to nonhuman animal) determinates - we need to establish three factors: who holds the right; to what it is a right; and against whom it is held.[21] In one way or another, much of the debate within the contemporary animal rights arena turns upon defining and refining these three categories. However, this prerequisite task in itself raises an issue central to the animal rights debate: even if we are sufficiently convinced that these categories can, in any given judgment, be adequately and conclusively satisfied in ascribing protectionist safeguards, does our conferring moral standing upon nonhumans necessarily have to carry with it reciprocal duties and responsibilities? If rights are conferred upon human individuals - and must carry inherent burdens - surely such constraints must properly be viewed as uniquely human. Indeed, germane to the conferring of rights in human terms, much state legislation within contemporary society turns, in large part, upon ideas of

[21] Tom Regan and Carl Cohen discuss the nuances of both sides of the debate in the seminal work *The Animal Rights Debate* (2001).

reciprocity.[22] But this is by no means exclusively the case. Many human rights – such as the rights conferred upon the severely disabled embodied in various disability rights legislation - are evidently *not* dependent on clear concepts of reciprocal relations. In this way animal advocates frequently point out that society already assents to moral patients being legitimately entitled to the same consideration and respect as moral agents.[23] The more general point being suggested here is that it is because animals can be conceived of as moral patients that humans have duties against cruelty, and not merely because they are animals *per se.* This distinction, although at face value somewhat apparent, is nevertheless an important one for a contemporary rights position in that it opens up the likelihood that we may owe some duties to nonhuman 'patients' in much the same manner as those owed to human patients. Some further thoughts on reciprocity and direct duties are explored in greater depth later in this chapter in discussion of commonplace challenges to the rights view.

The weak animal rights claim

The claim that we may owe 'direct' negative and positive duties to nonhuman 'patients' in much the same manner as those owed to human patients is by no means uncontested. A strong rights view is indeed problematic for many that argue its instigation would unavoidably generate sundry 'unacceptable' consequences that would adversely impinge upon human flourishing - and therefore must be rejected. Given then, that the rights view turns in large part upon ideas of the 'worth' of subjects-of-a-life, an initial distinction needs to be drawn here between what may be characterised as subjects-of-a-life and others. As noted previously, Regan himself defines such beings as those who possess beliefs, desires, perceptions, memories, a sense of their own future, an emotional life, preference interests and sensations of pain and pleasure.[24] Such subjects-of-a-life may further be divided into two broad classes: those that are deemed to be moral agents and those defined as moral

[22] In its simplest form, this constitutes the claim that there exists some expectation of response 'in kind' - in returning benefits for benefits, or indeed responding with either indifference or hostility to harms.

[23] Moral patients in this sense may be viewed as things towards which moral agents can have moral responsibilities. On this definition, all moral agents are also moral patients, but importantly for our argument here, moral patients need not be moral agents. Only moral agents can function as the bearers of moral obligations towards others, while moral patients can be the objects of the moral obligations of others, but need not themselves be capable of moral agency.

[24] Regan (2004), p.243.

patients. Roughly, we may say that moral agents are those whom may be held morally accountable for their unconstrained actions, whilst moral patients on the other hand lack the full capacity to reason morally, or to act for moral reasons.[25] However, moral patients as subjects-of-a-life nevertheless possess desires and beliefs, enjoy an individual emotional life and likely have some sense of the future. Regan's argument therefore runs that it is because all subjects-of-a-life possess such attributes that they have 'inherent value', and in order to properly respect an individual's inherent value it follows that they are owed direct duties of justice. Regan outlines three 'basic' rights in this context: the right not to be harmed; the right to aid when our rights are being violated; and the right of innocents to self-defence.[26]

Aside from those who would take the out-and-out position that 'rights' that seek to assign moral status to nonhumans are simply not applicable in any terms to nonhumans, there is the view that although animals (at least some animals at any rate) may be entitled to have some moral rights, their rights are however much 'weaker' in strength than the rights of humans - who possess rights in the 'strongest' sense. Among contemporary ethicists, Mary Anne Warren is well known for advocating a 'weaker' rights stance (1997). In defending a comprehensive theory of the moral standing of various entities she ultimately concludes, in respect to nonhuman animals, that it is frequently permissible for humans to end the lives of such animals in order to consume their flesh for food. In short, this notion clearly holds that animals *do not* have an equal right to life. This view is of course widespread and forms a taken-for-granted worldview for many. However, the claim although common, certainly needs to be substantiated. The expectation arising from this perception is that in some way it can be conclusively established that nonhumans have less value than humans in substantive and irreducible ways. To use the language of Warren, that some animals may have 'weak' rights (which may or may not include a weak right to life itself), but our moral duties to them are not as 'strong' as those that we owe to humans. On this view, it is precisely this disparity in obligatory 'strength' between (some) animals and (all) humans that makes it morally

[25] In discussion of our responsibilities to future generations, Alan Carter points out those utilitarian based arguments that we cannot have responsibilities to future generations hold only if we fail to view moral agents as individuals with agency-based responsibilities to the unborn. Parallels can be drawn in this respect with the welfare of the 'voiceless' unborn and the welfare of countless 'voiceless' nonhumans.

[26] Regan (2004), pp.276-80.

legitimate to kill animals in a number of situations, whilst in similar situations it is deemed morally forbidden to kill humans.

What then might be the practical criteria for such an assessment? A recurrent argument – and one that Warren herself uses – is what may be termed the 'conflicts of interest' line of reasoning. Here it is generally argued that when the 'vital' interests of humans and nonhumans come into direct conflict, killing may be the only 'legitimate' option left. Warren gives the example of rodents overrunning the home and the possibility of spread of disease as reason for the need for control (and the necessity of usually lethal control) in instances of such conflicts of interest.[27] This idea of 'lethal self defence' largely turns upon the 'common sense' notion (and Warren uses this term) that no worthwhile moral theory can be 'a serious candidate for general acceptance....if its implementation would severely jeopardize human lives and health.' [28] This assumption would indeed seem, to most, a reasonable maxim – certainly when applied to what may be seen to be (human) life-threatening circumstances. However, positing self-defence in specific circumstances as the criterion for justifying unequal treatment is not the same as believing that an animal's life does not merit equal moral consideration generally. Moreover, and more troubling for this view, is that the 'right' to lethal self defence is not of necessity then limited to human/animal resource conflicts, and the very same argument can readily be extended to imagined (and actual) intraspecies conflicts (human to human). The evident problem for this view then, is that it will need to be proven that in analogous conflicts with other humans, it would *not be justifiable to kill them.*

As Aaron Simmons points out, Warren's position pivots on the thesis that 'there exist circumstances in which it is justifiable to kill animals but not justifiable to kill humans'.[29] Simmons himself focuses the thrust of this conjecture upon our ability to communicate with humans and so (hopefully) reason with them with the hope of reaching some mutual agreement - and possibly averting direct (mortal) conflict. Obviously, this option of verbal communication is not open to us when confronted with direct animal/human mortal conflicts of interest. There are problems with this

[27] Warren does concede that there may be non-lethal controls that we should pursue regarding such conflicts of interest, but goes on to argue that such non-lethal means of control are not in many instances 'practically feasible'.

[28] Warren (1997), p.117.

[29] Aaron Simmons discusses Warren's weak animal rights view arguing that Warren fails to justify unequal rights to nonhumans, in 'A Critique of Mary Anne Warren's Weak Animal Rights View' (2007).

presumption however. Firstly, a cursory glance at the 'rich' history of human conflict brings into question the efficacy of communication as a key tool in averting violent outcome. If, as Warren herself suggests, this singular ability to verbally communicate with our own species equates to assigning a 'privileged' position to humans over nonhumans in matters of resource conflict, then this uniquely human 'tool' has (and continues) to sadly fail us time and again. Moreover, many human conflicts are not merely fought on ideological grounds (about 'ideas') whereby the *possibility* of some compromise of viewpoints may be reached, but constitute a life or death struggle for scarce resources – the hard logistics of which cannot readily be resolved by application of reason or debate. In such circumstances, communication may fail as spectacularly between humans as it must between humans and nonhumans. There would then seem little substantive reason to *consistently* assert that it is justifiable to kill animals, but not justifiable to kill humans in circumstances of life threatening resource scarcity. In order to be consistent, Warren's acceptance of 'lethal self-defence' as a legitimate response to life threatening peril would, I suggest, need to apply equally in all cases of 'communication failure'.

Secondly, Simmons invites us to imagine a scenario in which other humans pose a serious but non-urgent threat (possibly exposure to a virulent disease – conceivably much like Warren's rodent example). These unfortunate diseased individuals are resource poor and have had no choice but to leave their infected territory and impinge upon lands anew. They feel there is little point in dialogue as their negotiation choices are extremely limited. The dilemma for the inhabitants of the occupied land that the foreigners are about to ingress is that given the 'right' of lethal self defence, then in this particular circumstance they must exercise this prerogative in order to survive - albeit perhaps reluctantly - or by an act of 'omission' fall prey to infection. The question therefore is would it be justifiable in this situation to kill other humans - and thus transgress Warren's species exclusivity? Given that most would defend their lives in this sort of situation, it would seem to be the case that contrary to Warren's claim, in this case it effectively matters not whether the threatening being is human or nonhuman - as both, it is concluded here, must meet the same end.

There is an important observation to be noted from this line of reasoning and one that permeates much of our wider thinking regarding nonhuman animals. In cases of conflicts of interests between human and nonhuman animals it is all too

frequently the case that the justification for the sort of action carried out is more about the practical parsimonious implications and circumstances (what 'works') of the given conflict that determines our judgments as to whether it is justifiable to kill nonhumans, rather than any *qualities* of the nonhuman (what 'value') that may justifiably make them less worthy of equal consideration of interests *per se.* For Warren, the justification for disparate treatment is not forthrightly a measurable qualitative difference in moral worth that must determine our actions in such circumstance; rather she presents the more pedestrian claim that we are simply unable to reason with them - and therefore left with few functional choices.[30] At least this view, on a cursory reading, is somewhat more straightforward in essence concerning the legitimacy of unequal treatment of nonhuman animals than many of the mainstream arguments against animal rights discussed later in this chapter. However, in emphasising the practical implications and costs to humans in pursuing, for example, the non lethal trapping of rodents, a clear distinction in *value* between human and nonhuman subjects is strongly implied. In short, given that we cannot strike up a dialogue with these creatures, then it is suggested that this curtails lateral thinking regarding our options. Notwithstanding this, we may of course in the rodent example for instance, consider the use of non lethal traps and piecemeal means of removal as acceptable on a cost/benefit basis, or even as a final resort consider moving house as a credible course of action - or we may indeed simply learn to live with the situation. But for Warren (and many others), this may simply present an unacceptable human cost, and therefore it follows (often construed as conceded 'reluctantly') that there is no moral obligation to pursue these sorts of actions.

Those who subscribe to this view however need to show why (other than because of simple *inconvenience* alone) we should not pursue these options. Or to put it another way, *we need to know why* we hold that the inconvenience of not harming animals outweighs the 'worth' of those animals. This draw towards what I would like to call 'chauvinistic expediency' in our dealings with other-than-human animals all too often takes on a moralistic tone. What is at root a straightforward unequal value judgement based upon human convenience, is variously posited as

[30] In the context of interspecies understanding that Warren is tenuously attempting to advance here brings to mind David Hume's famous observation that, *'All that animals need and all that men need most of the time is an association of ideas based on custom. This enables them to know what to expect in the world and to learn from experience. They do not need reasoning, in any stronger sense',* in *A treatise of Human Nature* 1.3.16 (reprinted 2007).

morally legitimate, morally unavoidable, morally justifiable or just morally 'expedient'. It is the significant distinction between the *functional considerations* and the *principled considerations* towards nonhuman animals drawn out here that will form a recurrent theme throughout this work. The rights-based view is further frequently challenged by what trade as 'traditional' and commonplace assertions. By way of introduction to the wider themes discussed later, a brief outline of some of the more pertinent contentions may help in contextualizing several of these commonplace claims.

The Argument from Absurdity

Firstly, what may be called the 'argument from absurdity' broadly claims that if all sentient beings are to be assigned categorical and individual value, then conflict resolution between groups and individuals would necessarily lapse into absurdity. Elisa Aaltola notes that the absurdity argument generally takes two forms: one that emphasises *human-animal conflicts* and one that stresses *animal-animal conflicts* (2010, pp.79-98). Taking the former emphasis on human-animal conflicts, many have argued that we would effectively have to renounce many everyday practices if we were to attribute categorical and individual value to all sentient beings.[31] Conflict resolution, they argue, would require 'arbitrary' choices between human life and interests and nonhuman life and interests. This in turn may questionably demand that in various cases we favour nonhumans – for example, in situations where some harm was unavoidable we would have an obligation to inflict the harm on humans if animals would otherwise suffer *greater* pain, or if indeed animal numbers were superior to human numbers. However, before we can consider such claims we firstly need to acknowledge that frequently there is embedded within these arguments a now familiar presupposition - that *humans have greater value.* Problematically, this assumption then repeatedly serves as both the premise and the conclusion within these arguments. As Aaltola points out, the reasoning follows thusly: *1) humans are of greater value, 2) therefore, human-animal equality is absurd 3) therefore, humans are of greater value.*[32]

[31] Again, Mary Ann Warren argues that farming would be impossible as the mere act of harvesting would destroy many thousands of small animals in the process (1997). Likewise, Eric Moore contends that there would be no nonarbitrary way of choosing between, for example, a hiker and a wolf, (2002), pp.295-312.

[32] Aaltola (2010), p.82.

Commonplace criticism against the rights-based view tends to adopt this kind of circularity in its deeply rooted and implicit anthropocentric bias. In short, it is a taken-for- granted sense of anthropocentric legitimacy that forms the predilection for *what it is* that constitutes 'normality' or 'absurdity' in human-animal conflicts. This is clearly problematic for the rights view: as such pro-animal arguments - no matter how ethically rigorous and well constituted - *simply go against* embedded anthropocentric value structures. A common strand of argument frequently arising from *within* such a constituted anthropocentric framework is what may be best described as a hierarchical dualism. This fabricated taxonomy tends to present us with an 'unavoidable' choice – namely, we have to choose between human animals *or* nonhuman animals. I personally know of no animal rights advocates who see such a stark dichotomy as necessarily presenting itself in our everyday moral obligations. Indeed, arguably it is only *within* a restricted and unconsidered anthropocentric value system that such a blinkered either/or dichotomy has any normative moral meaning or force.

These observations should not however be taken to mean that an anthropocentric viewpoint is entirely wrongheaded. It is incontrovertible that we see the world from an anthropocentric standpoint – after all, as human beings, the meaning we give to the world around us is necessarily and avoidably 'anthro-centred'. Anthropocentrism, *per se,* likely does not deserve the 'dirty word' status endorsed by some animal and environmental ethicists. Likewise, simply because we see the world from an unavoidable human perspective - and subsequently construct values from this anthropogenic standpoint, does not in and of itself necessarily infer that such values need to remain singularly human-centred in outlook. In short, there is a distinction to be noted between the 'fact' that our derived values are anthropogenic in origin, and the actual content of what those values may or may not include.[33] I contend that it is not the provenance of our anthropocentrism that is at stake here, but rather the value we attribute to our take on the world arising from our human-centred view, and, importantly, the assumptions *that follow* from this value

[33] Anthropogenic here denotes the commonplace meaning relating primarily to the origin and development of modern human constructs – in essence, that which is 'created' by man. In this sense, our actions and subsequent impact upon the world around are 'man-made'. Nevertheless, I argue that anthropogenic provenance does not 'fix' our worldview as delimited exclusively and necessarily by rigid and inflexible forms of human-centrism. See also Glossary for and extrapolation of this distinction.

judgment. For example, if our assumptions presume a legitimate hierarchy of nature with humankind atop this ladder, then likely we will struggle with any perceived attempt to 'level' the moral landscape in favour of greater species egalitarianism.

Of course it may be countered that in order to give meaning to the world around us we cannot avoid cultural and linguistic constraints and the meanings derived from them, but as Aaltola notes, there is available to us a plethora of reflective choice *within* the meanings we ascribe (2010, p.90). The spectre of the either human/or animal dichotomy need not logically arise here. The argument from absurdity, in this sense at least, seems on face value to imply a stringent formal logic – *a reductio ad absurdum* – one capable of logically producing a contradiction from its premise. Rather, the argument when used to refute animal rights bases its logic upon the decidedly shaky premise that human beings 'just have' more value than nonhuman beings. In doing so, the argument ignores individual conceptions of value and the pluralistic reflective choices available to us within ascribed meaning. These choices may well refute the starting premise entirely – and simply go against strong anthropocentric value structures.

The Argument from Capacity

A further contention turns less upon metaphysical argument and more upon the 'fact' that animals cannot use complex language and therefore cannot form any meaningful moral communities – at least in the sense that they do not have the capacity to 'supplement or contravene the promptings of instinct by reasoning from moral principles'.[34] In support of this view, the degree of complex cultural development required in multifaceted social interaction would arguably seem to require prerequisite complex language and reasoning capacities. In a general sense this claim would seem uncontroversial. The political act of voting within a democratic society is an overt example often given as evidence of such capacities – animals *obviously* do not do this and it would be 'absurd' to envisage this – so, it follows, they cannot therefore significantly possess any meaningful moral status. However, the rights-based view openly maintains that animals need not engage in such uniquely human activities to preserve a right to be treated with respect. For example, it is evident that a child is deemed (by this same multifaceted society) to have a

[34] See Mary Ann Warren (1997) for a protracted discussion on the moral status of the nonhuman.

developmentally insufficient capacity to engage in considered political voting - but clearly enjoys the full protection of a well defined set of rights.

Similarly, the problem of language acquisition and use permeates much traditional and contemporary argument within ethical deliberation on the moral status of the nonhuman animal. Although argument is diverse and inter-disciplinary, much of this argument asserts that if nonhuman animals are unable to use language they must, in any meaningful sense, lack (our idea of what constitutes) full consciousness. The long-standing connection between language and rationality - and therefore the thesis that non-linguistic animals cannot count as rational beings - is however increasingly being challenged, not least from empirical studies on language use in chimpanzees.[35] Precluding a convoluted exploration of such empirical findings here, it is, at the very least, reasonable to assert that even if the ability for language acquisition amongst, for example, primates, does not equal that of human adolescents, it certainly does not follow that they have none at all. The research and controversy continues, but the overriding issue is not necessarily a quantitative one (how many animals 'use' language), but rather we may need to pose a *qualitative* question: is in fact the use of language a sufficient basis for determining which individuals possess consciousness? Ultimately, how we define language use is of course directly related to our own current understanding of complex communication, and theoretical argument here can again frequently tend to take on a circular quality in its predicates. Irrespective of the 'degree' of verbal (and of course the frequently ignored use of 'nonverbal') expression, the mere assertion that human-like language use *in and of itself* directly equates to questions of ascribing moral standing remains highly questionable.

The Argument from Anthropomorphism

This observation brings into sharp focus a yet further recurrent difficulty that pervades much theoretical and commonplace talk of animal rights and the moral status of nonhuman animals - the tendency to anthropomorphise. Simply put, this is the predisposition to imbue an object with attributes that it may not possess and to speak of it *as if* it were humanlike. Anthropomorphic sentiment can manifest itself both in subtle and more obvious ways. For example, the 'pet' owner who attributes

[35] See an extraordinary empirical account in J Randerson, *Chimps Beat People in Memory Tasks.* (2007) for an interesting comparison of memory and language abilities in primates and children.

perceived stress in a companion animal as a possible symptom of concern for a global economic downturn may fairly be said to be overlaying a human centred worldview upon the animal's behaviour. As disquieting as this image may be, such anthropomorphic attitudes are by no means rare. It is, in part, perhaps somewhat understandable that adults at times adopt such a view (although usually not as contrived as our example of course). One has only to observe a great deal of contemporary media entertainment aimed at the very young in their impressionable and formative years to note that it is routinely permeated with a vast array of anthropomorphic images and characters - from talking bears to eloquent lions.

A more subtle form of anthropomorphism is at work however in certain theoretical arguments against animal rights. If indeed it is seen to be anthropomorphic to assign certain human attributes to other animals, then, what Regan calls 'human chauvinism' is equally prevalent in our attitudes to animals (2004, p.30).[36] This view, conversely, posits that it is 'chauvinistic' *not to attribute* like characteristics to those nonhumans who actually have them, and thus continue in the conceit that only humans may possess such traits. This, like other forms of chauvinism, rejects the concept that characteristics (and interestingly, almost always in the form of 'positive' traits and habits and not our more so-called 'animalistic' tendencies) may be freely extant in others. The above example of the straightforward denial of 'full' consciousness and language in mammalian animals is a patent illustration of this manner of duplicitous thinking, and how the debate around broader issues of animal rights frequently have at their heart much deeply seated prejudice and bias.

The Argument from Reciprocity

Another perspective, briefly alluded to earlier, that stands in perennial opposition to the animal rights view is closely aligned to the absurdity claim and has come to be termed the 'non-reciprocity' argument. This posits that as animals cannot engage in morally reciprocal relationships they cannot therefore be ascribed meaningful moral standing. However, once again, using the example of the immature human, it is clear that a young child *is* ascribed moral status but is not expected to respect our rights (as adults) *before* we respect theirs. Contained in the germ of these arguments

[36] Human chauvinism meaning here essentially that both value and morality can ultimately be reduced to matters of interest or concern exclusively to the class of humans.

would seem to me to be a chronic and persistent underlying bias toward the human, and arguments of this type expose a core and unrelenting objection to animal rights: namely, the bare assertion that only humans have inherent value.[37] Naturally, *human* individuals inevitably vary in capacities of reason and autonomy, and some unfortunate humans lack these – in short, where we draw the line is not as straightforward as this inherent value view suggests. Indeed, the persistent question remains within current debate as to why the 'moral' line should be drawn at species and not for example at genus, subspecies or other arbitrary boundary. Such complexity is all too evident when attempts are made at determining unambiguous human to animal (and indeed animal to animal) demarcation. For example, in drawing such boundaries should the human infant, the brain damaged, and the vegetative patient be excluded, whilst dolphins, apes, pigs and other 'higher' mammals are included? In no small way, this developing category of enquiry continues to pervade the debate on animal rights - and indeed many of the arguments presented within this thesis.

It is not merely these 'traditional' and commonplace assertions that challenge the normative animal rights view.[38] For example, Carl Cohen's claim that animals cannot in fact rightly be attributed liberty rights *at all* is a significant assertion that, whilst accepting that many obligations are owed by humans to animals, nevertheless argues that rights must entail obligations.[39] He therefore asserts that 'Animals cannot be bearers of rights because the concept of rights is *human*: it is rooted in, and has force within, a human moral world' (1997, p.95). Irrespective of the form that the challenges to a rights-based animal advocacy take, what is certain is that objections to the rights-based view are multifaceted and broad in scope; and it is to the 'language' of rights and its understanding for contemporary interpretation that we must initially turn.

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[37] For some pivotal arguments that differentiate between conceptions of intrinsic, inherent and instrumental values see Mary Ann Warren (1997); J O'Neill, A Holland and A Light (2008); and Mary Midgley (1996).

[38] For selected influential contemporary arguments against ascribing liberty rights see T Sprigge, 'Interests and Rights: The Case against Animals' (1981), J Smith, 'Morals, Reason and Animals' (1991), Roger Scruton, *Animal Rights and Wrongs* (2000), Carl Cohen, Do Animals Have Rights? (1997), and D Porter, 'Our philosophy concerning animal rights' (1991).

[39] Briefly, a liberty right is a right which does not necessarily entail obligations on other parties, but rather only freedom or permission for the right-holder. Cohen of course argues that animals cannot be rights bearers at all, primarily because it is essentially a human concept.

1.2 The scope of the animal rights view

Relatively recent discourse has begun to see further transmutation of the very meaning and scope of the term 'rights'.[40] There are of course diverse accounts of the functions of rights in general, and depending on whether one grounds this in will or interest, it will have a bearing on how we perceive the tenability and function of animal rights in particular.[41] Will theorists assert that the function of a right is to give its holder control over another's duty. So for example, will theorists generally believe that rights confer control over others' duties to act in particular ways.[42] Conversely, interest theorists maintain that the function of a right is to further the right-holder's interests. So this account can accept 'as rights', the rights of incompetents (who have interests that rights can protect). In this respect interest theory constructs a plausible connection between holding rights and being better off. Given that nonhuman animals can be seen to be incompetents in the right-holding respect (as moral patients with interests), it is in the protection (and advocacy) of such 'incompetents' that 'rights' are generally to be understood within the body of this work.[43] In this respect, Paul Taylor in development of his biocentric position observes, 'that I have a valid moral claim which other moral agents have a duty to acknowledge and respect does not entail anything about how I should treat, or be treated by, animals and plants. Since they are not moral agents it is nonsense to talk about their respecting or not respecting my right'(1986, p.151). It is furthermore noteworthy that the term is frequently - and increasingly - applied in circumstances where the rights attributed to individuals are, in fact, rights that those individuals are not necessarily in a position to exercise. Proclaiming that, for example, a human individual has an entitlement to practice their religion is not synonymous with stating that the individual, in actuality, enjoys that freedom. The sentiment is one of what

[40] The meaning and scope of the notion of 'rights' has of course always been contested and I merely suggest that latterly further transmutations are inevitably taking place – not least within the arena of 'animal rights'. See note [43] below for further references on the theme of rights.

[41] For in-depth critique of these notions and other forms of rights, see Kramer, Simmonds, and Steiner (1998). For more general distinctions also, Sreenivasan (2005) who attempts a hybrid analysis; Cruft (2004) proposes that all rights are "of value" in securing the right-holder's autonomy or interests; and Wenar (2005) who abandons the notion that all rights have any single function at all.

[42] I return to this idea within the context of animal advocacy and the argued limitations of obligation towards nonhumans in chapter three in discussion of the illegitimacy of paternalism.

[43] See also Glossary for further general usage in this work.

ought to happen and not necessarily what does happen in practice; in this sense this form of right may be seen to be effectively 'empty', as it cannot be claimed and may not be enforced.[44] This sentiment of what *ought* to be does however affirm an important aspect of a contemporary reading of rights in its assertion of certain moral principles. In this latter sense, it is the proclamation of an absolute and binding set of moral principles that gives the idea of 'rights' its force in wider debate. As Catherine Osborne puts it, rights viewed in this context are

> ...statements of moral commitment made on behalf of those who are unjustly treated, and they express, in legal language, the moral values of the onlooker, to explain the principles on which they campaign against perceived injustices (2007, p.190).

These commitments then are frequently proclaimed on behalf of the voiceless and oppressed - those who cannot defend themselves - and thus, I argue, fairly and rightly encompass *animal advocacy*,[45] the proponents of which after all primarily seek to protect 'dumb' and 'defenceless' animals. 'Rights', understood in this way, therefore necessitate privileged 'third party advocates' to defend the voiceless and protest against perceived maltreatment.[46] In contemporary usage this form of remonstration does not properly inhabit a legal or political space, but finds its efficacy in what may be termed 'moral space'. This is not to ignore that in order for any right to be recognised within society (and subsequently enforced) there is a prerequisite requirement for political will and possible legislative responses, but rather that both must necessarily nevertheless operate within a moral space if they are to be little more than arbitrary legal sanction (changes in 'hearts and minds' and not just procedural nuance). In like manner, when animal rights advocates call for recognition of the rights of animals in, for example, factory farm animal husbandry practices, they are asserting the straightforward claim that the perpetrator of these practices has no right – or more precisely, no *moral right* – to act in certain presumptive ways toward the defenceless and vulnerable.

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[44] Catherine Osborne makes this distinction from a historical perspective (2007), pp. 184-196.

[45] See Glossary for a definition of this term as used throughout this work.

[46] It is worth noting here that my use of the term animal rights throughout is forwarded in the *general* sense of animal advocacy and does not imply an implementation of a convoluted, structured, literalised and legalistic pantheon of rights, but rather one that calls for readdress, redefinition and reassessment of the moral status - and our subsequent moral obligations - to other than human beings (please see glossary definition for further qualification).

The Language of Rights

If talk of rights necessarily inhabits a moral space in contemporary culture, then how might this space be best understood? The 'language' of animal rights (and indeed talk of rights at large) can be viewed as, ultimately, *metaphorical* in nature. What I simply mean here by metaphorical is that individuals sharing a deep respect for a (shared) moral value express this through the 'language' of metaphor in order to *capture the fundamental nature* of that value.[47] This metaphor can properly embrace anything that one cares for, but herein is a problem. It would seem to most, nonsensical to ascribe rights to whatsoever one sincerely cares for. For example, to speak in terms of the rights of inanimate objects, possessions, ideas and 'nature', is, I believe, to overwork the metaphor. We may indeed greatly cherish such things (for example, an awe-inspiring landscape), but the language of rights is, on this account, the language of *imagery,* as demonstrably nothing 'has' requisite rights without the assigning thereof (simply, that bestowed rights do not exist 'in nature' without human designation). In this sense then, 'animal rights' do not exist in concrete terms. It may on a face value reading seem controversial for many to state that such rights do not effectively exist, but I believe this understanding of the *nature* of rights is fundamental to our ascribing (or not ascribing) moral standing to the (vulnerable) nonhuman animal. In recognising then that only declarations of rights exist, we recognise both the power of this imagery for change, and at once the fragility of the metaphor in the face of pragmatic intransigence. Within the animal rights debate such pragmatism is routinely exemplified in the many forms of anthropocentric bias for our own species discussed earlier.

[47] This is of course not to suggest in any way that this is the primary or indeed the only expression of rights. In matter of fact, the 'language' of rights is deeply problematic and can carry with it ambiguity, bias and complex questions over the very existence of 'rights' in certain contexts. As I use rights here in the principally general sense of protection of the vulnerable, I do not wish to enter into extensive conceptual argument on the nuances of the' meaning' of rights in the wider sense, which likely constitutes a voluminous tome in its own right. For interesting and further discussion on the theme of 'rights' - especially in relation to 'animal rights', see Mary Anne Warren, *Moral Status: Obligations to persons and other living things* (1997), J Wiener, 'Perspectives: Animal rights, human rights, public rights' (1989), T Sprigge, 'Interests and Rights: The Case against Animals' (1981), J Smith, 'Morals, Reason and Animals' (1991), Roger Scruton, *Animal Rights and Wrongs* (2000), D Porter, 'Our philosophy concerning animal rights' (1991), Onora O'Neill, *Kantian Ethics* (1993), Thomas Nagel, *Moral Questions* (1979), A McKay, 'Moral Status: Obligations to Persons and Other Living Things' (1998) and J Hamil, 'Humankind's uses of animals' (1995).

In our treatise thus far of contemporary discourse around the ethics of animal advocacy, it is likely by now clear that the diverse theoretical and practical issues surrounding notions of ascribing moral standing to nonhuman animals are complex, convoluted, and remain, at this point, controversial in scope. Nevertheless, analogous to other issues that are advanced under the general banner of 'environmental ethics' in contemporary ethical thought (and 'animal rights' is normatively subsumed under this remit), it is established that arguments concerning the moral status of the nonhuman are, at minimum, acknowledged as legitimate within mainstream contemporary ethical debate. It is fair to say however that the ethical platform for serious consideration of animal rights is of comparatively recent creation, the framework of which is, in many respects, still under construction. There is a key question arising from this ongoing construction that has relevance to the wider debate that queries whether humans - defined as moral beings – can in fact truly take an 'outsider' position in the 'order of nature' and as such meaningfully detach themselves as arbiter of the natural world?[48] Discourse tends to take one of three general forms in contemporary society concerning this question: the 'pessimistic' which sees the treatment of animals by humans as cause for deep pessimism; conversely, the 'optimistic' view which may recognise diverse problems, but asserts that we *can* humanely manage the natural world; and thirdly, so-called 'realistic' notions which principally concede to life as a natural struggle in which animal and human conflicts will 'find' an innate balance (Walker, 2000, pp.60-61).

Despite the modern 'willingness' to engage with some form of debate on the moral status of the nonhuman within ethical discourse, it is my contention that the case for animal advocacy, as presented here - that deems the instrumental 'use' of the nonhuman animal as *intrinsically immoral* - remains to greater or lesser extent predominately within the confines of 'theoretical' discourse. Indeed, in starkly realistic terms it is clear that we remain very far from constructing a culture that routinely respects the rights of animals. Despite the daily industrial scale (ab)use of animals before us, it would seem that the ever present gulf between ethical theory and ethical practice has rarely been so vast in expanse than in our dealings with nonhuman animals. This is not of course to ignore the very real and laudable advances in recent times in animal welfare (at least in some parts of the world), due in no small part to

[48] This idea is the central theme of chapter three in discussion of paternalism.

'selective' animal rights and welfare issues entering the public arena –high profile examples of which include issues around battery farming, the use of veal cages, animal experimentation, and 'free range' initiatives.[49] Nevertheless, as I will explore in chapter two, clear distinctions need to be made between the fundamental case for ascribing rights to nonhuman animals and the far reaching implications thereof, and what generally is understood in the contemporary mindset to be 'animal welfare' advances in broader terms.

Whilst it is certainly true that topical theoretical debate on diverse animal advocacy views is both rigorous and challenging, I nevertheless submit, as a central tenet of this thesis, that the primary underlying and disquieting factor that is a cause for disconcertion for a great many individuals is the 'inescapable' radical underpinning of the animal rights case. Indeed, I readily concede that if the case is successfully made for accepting that arbitrary instrumental use of nonhuman 'moral beings' is effectively *immoral*, then, the practical real-world implications are nothing short of revolutionary in scope. If there is indeed any 'intuitive' aspect to our feelings toward other beings and our subsequent treatment of nonhuman animals, then it may well transpire that it is, in part at least, a deep-seated apprehension to embrace the seismic changes that must ensue in our everyday treatment of animals. However, my persistent contention throughout this thesis is that the brevity of the challenge is no reason to assign this undertaking to the defeated ranks of 'utopian' imaginings. The challenges in formulating a possible rapprochement of this radical position into a broader environmental ethic forms the nucleus of this work, and will be discussed in the context of contemporary perspectives within animal advocacy in the subsequent chapters.

A 'special' moral category

In a broader context we may say then, that a traditional interpretation of human morality is grounded upon the presumption that human beings are in a 'special' moral category. Morally speaking, there is an implicit (and frequently explicit) value judgement made about the relative worth of human beings and nonhuman beings. From this traditional conception of value, it is, I think, explicable that the core

[49] For some recent high profile examples see the literature from organisations such as People for the Ethical Treatment of Animals (PETA) http://www.peta.org/ and the Royal Society for the Prevention of Cruelty to Animals (RSPCA) http://www.rspca.org.uk/home.

'purpose' of morality is therefore conceived to be the protection of human beings and their rights and interests. In chapter five I question the validity of an automatically designated special moral category, and argue in favour of a 'biocentric individualism' to better represent the human and nonhuman place in nature. The idea of a special moral category assigned to the human race in Western thought, largely historically arises from a theistic belief in the uniqueness of man *under* a supreme God (or Gods) on the one hand, and the uniqueness of man *under* a rational mind on the other.[50] However, as James Rachels observes, religious and selective cognitive justifications for the God-given 'dignity of man' may, in the modern era, be little more the 'moral effluvium of a discredited metaphysics' (1990, p.5.). Can, therefore, traditional value judgements that either demand consensual obeisance to the 'ideals' of post-enlightenment human rational capacities, or conversely perpetuate a superstitious awe of man 'sanctified' as the very image of the divine, be perceived as wholly and sufficiently convincing today? Moreover, does Rollin's quote that forms the epigraph for this chapter - that, 'It will not do to ignore moral argument just because it has always been ignored. Immorality sanctified by tradition is still immorality', stand? Certainly, these worldviews are widespread, and for many are core to an understanding of their place in nature. Often viewed as mutually exclusive, the exhaustive – and regularly vehement – dichotomous debate between the aims, purposes, validity and importance of 'faith' *or* 'science', 'experiment' *or* 'experience', 'feeling' *or* 'fact', and the 'natural' *or* the 'supernatural' continues without abeyance.

It is not however the diverse virtues or vices of these dualisms that are of primary concern in the context of the central themes of this thesis. It is that, despite the arguably fundamental divergences inherent in these views, they frequently share a common ground: namely, to varying degree each, I argue, set humankind 'apart' from nature. For example, the secular notion of the uniqueness of man *under* a rational mind promulgates a staunch 'scientific' worldview. However, such a view draws immensely upon conceptual theories of Darwinian natural selection that paradoxically solicits us to perceive of our species as one among countless others

[50] I use the term 'man' in the context of this discussion to confer the wider meaning of 'humankind'. I trust the reader will indulge my persistent use of the archaic term here, as I use it only to emphasis the patriarchal relationships that reflect the traditional forms of thinking under discussion.

and certainly not unique in kind.[51] In short, an unquestioning assent to scientific explanations of existence, whilst enlightening us on our biological provenance, understood merely as an explanation of processes of natural selection the *facts alone* do little to explicate an incisive 'moral' understanding of man *in* nature. James Rachels argues, I think largely convincingly, that Darwin's groundbreaking and scientifically validated knowledge of our evolutionary provenance in fact *should do just this*.[52] But, if such a 'moral epiphany' has taken place in the hearts and minds of modern man, there certainly does not seem to be extensive evidence for this in our everyday attitudes, policies and practices toward nonhuman animals. Indeed, serious moral consideration for other species evidently *did not* follow widespread acceptance of the 'scientific' theory of natural selection and the empirically revealed origins of humankind, and to be sure, theoretical debate has only relatively recently began to conceptually embrace the discipline of *Animal Ethics*. The Darwinian worldview alluded to here takes a nonhierarchical view of life on Earth, and plainly (and certainly for Darwin) natural selection does not move towards any defined goal, but (in principle at least) goes on changing indefinitely – moving in no particular direction, and definitely not towards some idea of its pinnacle as instantiated in human perfection or perfectibility. In its denial of a teleological, static and hierarchical framework as a basis for moral deliberation, the rights-based view as presented here is entirely compatible with this scientific nonhierarchical and nonteleological view of nature.

Some however, have construed something more here than a strictly biologically founded explanation of natural selection and evolutionary processes. Beginning with Herbert Spencer's 'evolutionary ethics' take on Darwin's thought (1879), and later 'scientific' reinterpretations of morality in the guise of sociobiology, [53] the morally dubious leap from *evolved species* to *evolved conduct* was made. This 'moral theory' with its popularized and infamous maxim of 'survival of the fittest' – a creed eagerly adopted by industrialists of the time and revitalized sporadically since to justify free market ideology – is at best a misinterpretation of Darwin, at worst a

[51] See Charles Darwin's *The Descent of Man, and the Selection in Relation to Sex* (1981 reprint) for a thorough exposition of this theme.

[52] Darwin himself certainly saw his theory in this light, arguing that differences in nature are of degree and not of kind. See Charles Darwin's *The Descent of Man, and Selection in Relation to Sex* (1981 reprint) for further clarification of his broad theory.

[53] See Edward O. Wilson for a systematic dissemination of the nascent ideas of Sociobiology and for a modern reworking of this persistent theme (1975).

harbinger of overt mass oppression and genocide. I believe that the problem for our central argument here is not one of arguably mere erroneous social theory, but rather a false *teleologically* based understanding of evolution itself – and by extension, of the structure of animal life (including human animal life). Such a leap from biological fact to sociological fiction fails to distinguish the plausible idea of biological *potentiality* from the deeply disconcerting notion of biological *determinism.* [54] It is this blind leap into the sociological imagination, that has I argue, fomented and inculcated the 'otherness' of humankind in the modern mindset as standing apart from nature - if not in its descent (shared genetic provenance), then certainly in its teleological 'ascent' (atop the 'food-chain'). A powerful example of the theoretical consequences of this perceived 'apartness' from nature latterly finds its culmination in 'rational' variations of the Anthropic Cosmological Principle.[55] This idea regards the development of (ultimately of course *human*) intelligent life as the very pinnacle of the evolutionary process of the entire universe itself.[56] This view exemplifies human chauvinism, I contend, at its paradigmatic preeminent.

The problem of Human Dignity

It is not difficult to imagine then, that humankind self-elevated to nothing less than the supreme 'purpose' of the universe, may view itself in a special moral category, and ascribe to itself alone ideas of worth above and beyond the rest of the animal domain. The idea of a unique form of 'dignity', unsurprisingly, is a descriptive category doggedly reserved for homo-sapiens. In this selective respect, we may say then that human dignity is forwarded as the moral doctrine that places humans and *all other* animals in different moral categories. For the rights-based view, this idea is evidently problematic in that it assigns a *pseudo-class* of exclusivity to human beings. This view, as aforementioned, is not the Darwinian view of our provenance. Darwin himself seemed to suggest that humankind is, in truth, arrogant to infer that it is any 'great work', and in discussion of Darwin's ethics James Rachels argues that

[54] Rachels (1990) presents a full and illuminating discussion of the pitfalls of sociobiology in the context of Darwin's theory.

[55] For a tour de force of the variations of the scientific principles forwarded see John D Barrow and Frank J Tipler's, *The Anthropic Cosmological Principle* (1986)

[56] Very loosely, that in the development of human consciousness the universe for the first time 'knows' itself and therefore consciousness (and again of course 'human' consciousness) is the teleological 'aim' of the creative and destructive processes of the universe itself (to be self-aware in and through the human mind alone).

discrediting ideas of 'human dignity' is one of the most important implications of Darwinism – a fact that contemporary philosophy has not, to date, taken very seriously (1990, p.79). However, as a platform for the development of a biocentric individually based environmental ethic, I believe that the implications of this concept should not be underestimated, and will be revisited in chapters four and five in discussion of the possible necessary constituents of such a framework.

So, why then might ideas of human dignity be so problematic for a rights-based view? After all, if dignity is seen to be something noble - and by and large a positive attribute that can potentially compel the human spirit toward greater empathic moral sentiment, could not then human dignity be construed as a *necessary condition* for assent to the central tenets of animal rights? Unfortunately, though a provocative thought, I think not. Certainly, 'Human Dignity' is a term frequently used (and overused?) in discourse within the human rights arena, often to portray a *prima facie* concept of human intrinsic worth and inviolability. However, although latterly regularly expressed in secular terms, the idea of human dignity is deeply – perhaps irrevocably - entwined in religious myth. The large scale, sweeping and formulaic explanations of the nature of 'nature' and the nature of man that the 'great' religions perpetually tout, continue to deeply influence countless modern humans, and in turn the shape of modern culture. It is therefore within the doctrinal strictures of religious dogma that the preeminent understanding of human dignity historically foments. This is a dignity not *earned* by man through hard won development of moral sentiment, but one bestowed upon him by an omniscient God. This 'intrinsic' form of dignity finds its significance in the 'sacredness' of the God/human relationship – and, 'God forbid', that any other animal should accede to this elevated semi-divine state. It is therefore the sacredness imbued in the religious concept of human dignity that *necessarily* defines mankind as separate and above all other of 'God's creatures'. With man as the very image of the divine, the fate of countless species is sealed. The obvious problem here for a developed animal advocacy is that the elevation of the human, 'demands' the denigration of the nonhuman, and with human life promoted to the inviolable, nonhuman life is thusly relegated to the insignificant. From the rationality thesis of St. Thomas Aquinas holding that intellectual creatures assumed the 'highest' place in the universe - with of course man as the 'image of God' as the highest - subsequent *secular* thinkers having self-professedly shed the moral mantle of the mythical, have surprisingly

nevertheless maintained 'belief' in the idea of human dignity.[57] But now in place of God-given sanction confess a self-given 'rational' sanction for the arbitrary and instrumental treatment of nonhumans.

If then God is indeed proclaimed 'dead' by most secular interpretations of the place of man in nature, seemingly, the only remaining case for a unique and exclusive human dignity is that human beings are *radically* different from other animals. The case tends to resolutely rest upon man as the uniquely 'rational animal'. Clearly however, from the Darwinian perspective man is not *the* rational animal; he is merely *more* rational than other animals – and that substantively speaking, all (sentient) animals have varying degrees of reason. Despite the shaky foundations for an understanding of what it is precisely that constitutes human dignity, the double-edged sword of myth and rationality continues still to strike at the heart of the hope for greater species egalitarianism. In discussion of the relevance of a nonhierarchical understanding for a rights-based environmental ethics in chapter five, I will return to this idea of dignity and its bearing on a biocentric view of nature.

All of this is not to say that we humans are not 'special'. In the sense that we as a species have unique, and in some respects unrivalled characteristics, we are most certainly exceptional in the animal world. Indeed, the rights-based view, on my interpretation, argues paradoxically that it is *both* the fact of sameness *and* difference that makes the case for respectful treatment of nonhuman animals morally requisite, a position I defend in detail in chapters four and five. At this point however, for a clearer understanding of a rights-based position, it is helpful to illuminate the importance of the development of evolutionary theory for the advocacy view presented here in order to ground our subsequent argument. A surprisingly early – and I think radical – tentative observation arising from evolutionary theory in support of 'animal rights' was made by the American botanist Asa Gray, a champion of Darwinian thought. He noted that in the light of the evidence we tend to accept our kinship to other animals, but without abandoning our idea of separateness from them. Gray speculates as to the reason why this may be so. He hypothesizes that we resist evolutionary facts because of their implications for morality – and importantly for this thesis – the implications for the morality of how we treat animals. He comments:

[57] For a comprehensive overview of the theology of Aquinas, see selections and translations of his major thoughts by Timothy McDermott in *Aquinas Selected Philosophical Writings* (1993).

> 'Man, while on the one side a wholly exceptional being, is on the other an object of natural history – a part of the animal kingdom....[H]e is as certainly and completely an animal as he is certainly something more. We are sharers not only of animal but of vegetable life, sharers with the higher brute animals in common instincts and feelings and affections. It seems to me that there is a sort of meanness in the wish to ignore the tie. I fancy that human beings may be more humane when they realize that, as their dependent associates live a life in which man has a share, so they have rights which man is bound to respect'. [58]

This thought, although in many ways radical for the era, is at the same time starkly straightforward. Gray is merely pointing out the *'meanness'* of this selective worldview – a meanness remaining as embedded in our understanding of the natural world as when Gray first voiced it. It would seem peculiar that little in real terms has changed in our attitudes to other animals in well over a century, but perhaps there is a clue to this intransigence within Gray's own words.[59] In acknowledging freely our animality, Gray himself – perhaps subconsciously - quickly qualifies our kinship with other animals in his subsequent assertion that man himself *'...is certainly something more'*. I contend that it is the ambiguity entrenched in the idea of the *'something more'* that contains within itself the germ of the underlying problem Gray is attempting to draw out. It is this 'something more' that, at least from a rights-based perspective, has not to date been adequately defined or defended – despite best theoretical efforts from those who would deny nonhumans rights. I submit that this 'Holy Grail' – much like the mythical cup - remains undiscovered simply because it never existed. There is nothing conclusively quantifiable in the 'something more' that Gray alludes to; it is a chimera conjured from the imagination of human chauvinism. That there are qualitative differences between species *and* between individuals – not least human individuals – is evident; but this does not necessarily mean that there exists an 'absolute' trait that no other animal has or does share to lesser of greater degree – *including* some capacity for rational thought. In chapter two the ethical contradictions inherent in these conflicting attitudes are discussed in the context of

[58] Asa Gray makes this forward thinking assertion in two lectures delivered to the Theological School of Yale College in 1880.

[59] Whilst not ignoring changes in the modern mindset (at least in the Western mindset) towards attitudes to nonhumans, the fact remains that we slaughter, cause to suffer, hunt, experiment on and generally disdain the right to flourish of animals on a scale historically unimagined.

our treatment of nonhumans in the light of contemporary welfarism and welfare practice and policy.

What is however clear, is that we humans have a vested interest in maintaining this dualistic view of man and nature. Into the twenty-first century the greater part of our interaction with nonhumans remains overwhelmingly exploitative. Despite 'wildlife' conservation and preservation initiatives - examined in chapter three – the human/nonhuman power relationship is decidedly (and perhaps decisively) one-sided. So far reaching is our technological reliance on the utilisation of nature, that it may fairly be said that to live in modernity *is* to exploit nonhumans – and, at the very least in commonplace 'indirect' ways. Animal 'products' permeate even the most mundane aspects of modern life – from tyres to toys, soaps to sweets, dyes to diapers, and to extricate ourselves from this embedded exploitation suggests an onerous future undertaking.[60]

1.3 The animal rights view tomorrow

In advocating extending the boundaries of the moral community to include many nonhuman animals, a claim of the pro-animal movement is to argue the principle that any individual that possesses moral standing must possess it equally. This view is encapsulated in Singer's foundational animal liberation maxim that individuals should be treated differently only in as much as they possess morally relevant differences - enshrined in his call for *equal consideration of interests*.[61] For many however the evidently far reaching consequences of such a 'radical' proposition makes any practical implementation of greater species egalitarianism wildly implausible. Likewise, other objectors view the likes of Tom Regan's and Paul Taylor's extension of egalitarianism beyond the boundaries of our own species as amounting to an

[60] Naturally, a thoroughgoing anthropocentrist would contest that this necessarily equates to exploitation and that the term is emotive. However, exploitation is used in this instance primarily in the sense of 'making use', which may or may not have arguable ethical dimensions. See Cohen (1993, 1997) and Scruton (2000) for some counter-arguments regarding this disputed ethical dimension.

[61] Peter Singer of course makes famous use of this moral maxim as a basis for development of his animal liberation position in his pivotal work *Animal Liberation* (1995).

effective *reductio ad absurdum* of their positions.[62] The structural and substantive basis of this form of species egalitarianism lies primarily in the belief that moral standing is *not* a matter of degree, and thus those beings that possess this standing deserve respect as subjects-of-a-life.

However, a recurrent criticism of this form of deontological species egalitarianism is that it is fundamentally incompatible with a basic and familiar 'ideal' of morality, and in particular, of justice. Christopher Knapp, in defending species inegalitarianism, summarises thusly:

> 'In demanding that similar individuals deserve to be treated similarly, this principle demands that whenever two individuals deserve different consideration, the difference in consideration must be proportional to the morally relevant differences between them. Individuals who are virtually, but not quite, identical in morally relevant respects cannot deserve to be shown drastically different concern' (2009, p.176).

The central claims from this objection are in effect that the formulation of the 'ideal' makes it overly demanding, and for Knapp moral standing *has to be* a matter of degree in order to be just. Furthermore, Knapp argues that animal advocates themselves admit finely differentiated matters of degree in their own formulations. It is, I believe, true to say that Regan's subject-of-a-life criterion for example is most certainly bounded by various 'attributes' that, in fact, Regan is at pains to recount – and, those beings that fall outside of a particular attributive assigned category are excluded from his subject-of-a-life privileged moral position. Taylor also, although broadening his perspective to 'teleological centres of life', limits by definition moral standing to those beings that possess the capacity for goal-directedness. Knapp rightly points out that there is an embedded vagueness in these terms, and it is upon this vagueness that he tends to argue for his form of correlative species inegalitarianism.

[62] Broadly speaking, for Regan an individual has moral status in possessing inherent worth, and for Regan this is a 'categorical concept' (one either possesses it, or one does not), outlined in Regan's equally famous *The Case for Animal Rights* (1983 and 2004). Taylor likewise sees moral standing as based upon a possession of inherent worth – encapsulated in his principle of species impartiality that 'requires every entity that has a good of its own as possessing inherent worth – the *same* inherent worth, since none is superior to another' (1986).

The limits of the Rights Movement

For our purposes therefore, we need to address two central objections arising from the kernel of Knapp's observations before going on to consider some further contemporary positions that emanate from the species egalitarian view. The first objection is that deontological species egalitarianism is simply overly demanding. This is a very real concern for many who would question the practical viability of extending the moral community, and has been alluded to in the introduction to this work. Put simply, ethics, if it is to have any substantive meaning must, in large part, concern itself with the very business of challenging given normative views. If these challenges are both rigorous and consistent then to be effectively dismissed they must be consistently proven incoherent by equally rigorous counter-argument. To hold that a moral theory should be discounted because it is 'overly demanding' is surely then an insufficient rebuff. In short, that a theory would consistently and logically lead to 'radical' consequences is certainly no good reason to abandon such. The second objection, that moral standing *has to be* a matter of degree, and that animal advocates themselves admit finely differentiated matters of degree in their own formulations, would seem more credible. The problem with admitting matters of degree in ethical formulation echoes longstanding deontological/consequentialist divergent positions, a discussion of which is beyond the scope of this thesis. Knapp (who is clearly a consequentialist) here however misinterprets the deontological perspective as propounded by Regan and Taylor in this respect. Neither Regan nor Taylor demands that an *absolutist* stance be adopted in all circumstances. When confronted by direct human/animal conflicts, Regan for example goes to great lengths to cater for these differentiations in his evocation of his Miniride Principle and his Worst-off Principle.[63] Moreover, Knapp misconstrues Singer's mandate for equal consideration of interests in taking it to mean that each being with moral status possesses equal interests, whereas Singer denotes that it is an equal *consideration*

[63] The 'Miniride Principle' (minimize overrides principle) broadly states that special considerations aside, when we must choose between overriding the rights of many who are innocent or the rights of few who are innocent, and when each affected individual will be harmed in a prima facie comparable way, then we ought to choose to override the rights of the few in preference to overriding the rights of the many. The 'Worst off Principle' posits that special considerations aside, when we must decide to override the rights of many or the rights of the few who are innocent, and when the harm faced by the few would make them worse-off than any of the many would be if any other option were chosen, then we ought to override the rights of the many, cited in Eric Moore (2002), p.297.

of interests (and not 'equal interests' *per se*) that is morally demanded. These sorts of interpretative confusions are not uncommon in animal ethics at large.

The case made by animal protectionists that ascribes moral status to nonhuman sentient subjects-of-a-life has thus far largely turned primarily upon recognition of the *similarities* between humans and animals. To date, for animal advocates, the push toward this acknowledgment of the similarities served to strengthen the case for inclusion of many nonhumans into the moral sphere of concern. Simply put, if it could be successfully shown that animals are much like humans in multifarious ways, then the success of the animal advocates' inclusive project is more likely assured. There is however a problem: similarity may all too readily mask difference. Advancing 'likeness' as a benchmark for moral consideration carries with it the danger that value is assigned only to the degree that the 'thing' being valued is *like us*. Traditionally then, speciesist biases were challenged by disputing the legitimacy of the established boundaries of the moral community, whilst an evolved ethic that emphasises a case for difference claims that such biases are better confronted by recognising the autonomy and distinctness of the 'other'. As Elisa Aaltola points out 'The first group states that bringing animals under the headline 'us' decentres humans, the second states that doing so is merely to recentre human importance (2002, p.194). In this respect the emergent animal rights movement may be fairly criticised for promulgating a falsely universalistic ethic based upon how others conform to our self image.

Intrinsic and Extrinsic arguments

The notion of the animal rights movement disseminating an egoistic ethic by attempting to broaden the moral community through emphasis on similarity (or 'redefining' difference) brings into focus a serious strategic problem for animal advocacy. Contemporary animal protectionists disagree as to whether it is *empirical argument* – based for example on 'facts' such as genetic or group provenance, or whether it is *ethical argument* – based primarily on 'values' such as the wrongness of causing unnecessary harm to sentient beings, that has greater validity. Katherine Perlo frames this problem in terms of 'intrinsic' and 'extrinsic' arguments (that, in turn can be loosely seen to pertain to the ethical/empirical dichotomy) and defines the extrinsic and intrinsic notions thusly:

> 'Extrinsic arguments are those that seek to promote an aim and its underlying principle by appealing to consideration politically, historically, or logically separable from that aim and that principle. Intrinsic arguments appeal to considerations within and inseparable from the aim and principle. In this case, the aim is animal liberation and the principle is the moral equality of species' (2007, p.1).

In strategic terms (how the animal rights movement at large considers, formulates and plans its theory, practice and policy), intrinsic and extrinsic arguments are often combined and/or conflated. So for example, the claim that vegetarianism helps to reduce animal suffering is an intrinsic argument - in that the aim of animal liberation is to reduce animal suffering. It may additionally however be justified on extrinsic grounds through an appeal to its environmental benefits - in that meat production is hugely damaging to the environment. The former is 'within' the remit of the aims of many animal ethicists, the latter 'outside' of this debate and of greater concern to 'environmental' ethicists.[64]

Bearing in mind the steadfast axiom that ethical values cannot be derived from facts, and the inherent potential for conflation here, there is frequently extant within animal advocacy a tacit 'supplementation' of intrinsic based arguments with extrinsic claims. Echoing Aaltola's point above, in regard to animal experimentation for example, there is a questionable rhetorical stance that deems animals similar enough to us humans to merit a ban on experimentation, whilst concurrently claiming that animals are dissimilar enough to warrant a ban on experimentation due to its ineffectiveness in application to humans. It is perfectly reasonable and correct to say that human animals are indeed very similar whilst at the same time very different to nonhuman animals, but in strategic terms this potentially sends out confused messages to a public largely at present unconvinced by the arguments of animal advocates. Nevertheless, it would also seem reasonable that arguments need not (should not) have to stand alone for the sake of mere public clarity, and may be legitimately augmented and bolstered by additional argument so long as each argument *does not refute or contradict the rigour of the other arguments.* For example, Richard Schwartz concurrently argues for vegetarianism on the grounds of

[64] This is not to suggest some clear cut distinction between advocates of animal and environmental ethics, but simply to state that a case for protecting the environment is largely within the domain of environmental ethics as opposed to mainstream animal ethics. There is of course no reason why an individual may not sit comfortably in both camps on diverse issues (although some would claim this is not possible - the reasoning of which is thrashed out as a major theme in this thesis).

heath, compassion for animals, sharing, environmental protection and indeed peace (2001, pp.222-45).

There is an underlying concern about all of this for any individualistically based ethic that seeks to centre moral concern on individual beings. If reasons for committing to vegetarianism, for example, are any other (or in fact all other, or even some other) of those reasons Schwartz puts forward, but not for the reason of 'compassion to animals', then the fate of the individual animal remains open to the vagaries of entirely 'extrinsic' events. A thought experiment may be helpful here. Imagine, for example, that a large percentage of the world's population had in fact been persuaded by Schwartz's 'health' argument, but it is subsequently proven that certain forms of diet that merely limit or combine limited meat consumption are in fact demonstrated to be *more* healthy than a purely vegetarian diet. In this case, it would then be entirely legitimate to begin to slaughter animals on the potentially previous industrial scale. Suppose also that with the passage of time society had found ways to foster a more sharing and caring society through an expanded humanistic ethic, and that an argument for inclusion of nonhumans was simply not required in this human-centred paradigm. Again those who may have subscribed to Schwartz's 'sharing' argument may begin consuming animal flesh without guilt or fear of moral disapproval. Likewise, envision that a further technological breakthrough had then radically and permanently reversed environmental degradation, and so the peripheral benefit to the environment that vegetarianism provided was no longer deemed a necessary sacrifice. Those who became vegetarian for this reason may well begin to consume meat on a regular basis. Suppose, moreover, that weapons were developed that were so terrifying and so widely held that they effectively ensured 'peace' and this peace guaranteed a subsequent abundant food supply for all. The choice of food may then well include animal flesh for many.

By the same token, it is hard however to imagine how an individually developed intrinsic 'compassion for animals' would be directly influenced by such 'extrinsic' events. Short of a drastic change of heart, the reasons for being a vegetarian would remain *despite* the extrinsic arguments. It is only a commitment to the 'compassion for animals' argument that would permanently safeguard the individual animal from dispassionate treatment.

1.4 The challenge of the animal rights view

Given this brief overview of contemporary animal advocacy as I see it, a theme that is central to this work is the *relationship* of this emergent view to wider animal protectionist aims. The subsequent chapters will be examining the efficacy of this perspective with respect to welfarism, conservationism and wider environmentalism. As far as the scope of this thesis is concerned, the wider 'challenge of the rights-view' is, then, whether its individualistically centred ethic can be adapted to address some of the underlying notional presuppositions that I will suggest are endemic to our attitudes and practices towards nonhuman animals within the wider environmental debate.

Given the discussion so far, it may be surmised that animal advocates face two (interlinked) challenges: what may be called an 'external' challenge, and an 'internal' one.[65] The first challenge encapsulates the sundry animal rights arguments and counter positions that have been the central themes of this introductory chapter. In short, the external challenge is one of offering consistent, robust and coherent arguments that relevantly address the ways in which animals are used in contemporary society. The challenge then is not merely one of developing theoretically rigorous models, or indeed in generating meaningful debate within the wider public domain – although these are certainly significant - but that proponents of the rights-based position themselves need to be in a position to respond to the ever-changing number of ways in which society (mis)treats nonhumans. It is certainly the case that technology applied to animal husbandry, methods of conservation practice, and experimental techniques within animal experimentation are constantly altering, and this challenge therefore requires the animal rights movement to be able to flexibly apply theory to practice where necessary in this shifting paradigm. There are of course also subtle cultural shifts both in favour of greater human/animal egalitarianism and indeed conversely away from such - and again, both theory and practice need to be sensitive and responsive to this changing cultural landscape.[66]

[65] Susanna Flavia Boxall makes this broad distinction in discussion of the contemporary debate in 'Beyond Orthodoxy: A Pluralist Approach to Animal Liberation' (2005), pp.1-8.

[66] One might think of the 'advances' in animal husbandry and animal welfare in general in countries like the UK and Australia in relatively recent years. Conversely, the rise of far eastern economies has belatedly brought with it a drive for greater consumer consumption of 'luxury'

The second, 'internal' challenge, presents an arguable need to achieve greater accord within the animal rights arena itself. In effect, although animal advocates certainly 'differ in the theoretical basis for their conviction and in their understanding of the adequacy of various moral frameworks' (Wennberg, 2003, p.48), given the central contentions of the animal rights literature that turns, in these diverse respects, upon the moral inadequacy of the current treatment and use of nonhumans, it would seem politic that this principal message needs to be retained. This underlying notion ought therefore to be uppermost in communication to the wider community, not least in order to meet the requisites of the *external* challenge that seeks to generate public debate and to respond to the ever-changing number of ways in which society makes use of nonhumans. There is, herein, an ever-present obligation to, 'Continue to challenge the status quo by constructing new arguments that are compelling in the face of recent experience'.[67] In summary, if the crux of the issue is that in modernity many nonhuman animals are, as a matter of course, deprived of the essential opportunity to flourish in their particular way (and this needless to say encompasses the practices of the food and pharmaceutical industries, zoos, 'parks' and sundry other forms of deprivation), then, given that thousands of nonhuman animals are being killed, anguished, constrained or otherwise neglected and abused every second of every day with impunity, the *practical* constituents (and I believe this means the distinct possibility of positively encouraging real-world activism) that make up a theory to practice praxis cannot be ignored. As Boxall astutely notes,

> 'While this cornucopia of arguments is beneficial, for it fosters discussion and advances intellectual refinement, it is important to note that the disagreements among many animal liberation theorists are over the issues that are tangential to the present and future wellbeing of nonhuman animals. Settling the question of whether deontology is a superior theory to consequentialism will not assuage the pain of veal calves, just as bickering over whether Christianity is inherently anthropocentric will not help secure a ban on LD-50 tests' (2005, p.7).

products, which has in turn therefore seen a huge rise in meat consumption as a marker of conspicuous consumption for an increasingly wealthy consumer population. It is estimated that by the year 2050 global meat consumption will have more than doubled.

[67] Boxall (2005), p.5.

For Boxall then, the initial question in regard to the internal challenges that animal advocates must ask themselves is, what is the animal *experience* in the deprivations visited upon them by human practices? Once this question is clarified, then on this account, it follows that theorists must find theories that adequately respond to that actual experience. The danger voiced here of not addressing the real-world experiences of nonhuman animals in this manner, is that there is an inherent risk that the protectionist responses are confined within the boundaries imposed by an *a priori* theoretical framework - rather than the extant perceptible experiences of the nonhuman. In this sense, I concur with Boxall in her intimation that animal ethicists may all too readily make practice fit theory, rather than theory fit practice – in effect, obscuring directed practical application of theory to the urgent needs of the animals. Identifying what in fact are the experiential nuances and needs of nonhumans under human control is of course by no means a straightforward task and deserves further analysis.[68] In the next chapter therefore, specific contemporary issues around animal welfare and wellbeing are discussed in the light of animal husbandry.

The challenge of nonanthropocentrism

Prior to discussion of the specific 'problems of welfarism', mention of a principal and much discussed theme that arises out of the animal ethics debate and extends into much environmental thinking is warranted, namely, the frequently (over)employed notion of anthropocentrism. Simply put, we might say that anthropocentrism is the view that nonhuman animals have value only because they directly or indirectly serve human interests. Conversely then, we may say that nonanthropocentrism rejects this perspective and sees nonhuman animal value as intrinsic to the individual and thus independent of how it may or may not serve human interests. However, these distinctions are not merely speculative, and how they may or may not converge have far reaching implications not only for the theoretical debate, but for the kind of applied policy and practice towards nonhumans that Boxall sees as prerequisite to appropriate responses to animal suffering. Indeed, it is ostensibly our

[68] In fact, in a deeply insightful paper Cora Diamond challenges the emphasis on theoretical grounding over practical application extant within much normative analytical animal ethics. She questions what has become the mainstream methodology – one in which she determines as the Singer-Regan approach (characterised by their emphases on rights, capacities, interests or biology) - as obfuscating what it is that is, as she puts it, 'important *either* in our relationship with other human beings *or* in our relationship with animals' (1978), p.467.

perceived self-assigned place on this anthropocentric 'or' nonanthropocentric 'scale' that largely colours an individual's perspective on the animal rights or welfare debate – and by extension shapes the individual's attitudes to wider environmental themes and nature at large - that are to be explored in the body of this work.

It is noteworthy however that it is not the case that the only way to refute anthropocentrism in its wider implications is to claim, as many environmentalists do, that 'nature' has intrinsic value, and as Katie McShane points out 'One could deny anthropocentrism but claim that the value of every organism depends on the contribution it makes to the health of its ecosystem; one could deny anthropocentrism but claim that the value of every nonconscious being depends on whether conscious beings happen to care about it; one could deny anthropocentrism and claim that there is no such thing as intrinsic value at all' (2007, p.171). These divergent viewpoints whilst variously denying anthropocentrism nevertheless *refocus* the intrinsic value footing that is commonly adopted by many nonanthropocentrists. For example, the first claim that McShane outlines is that the 'value' of an organism is based upon its contribution to the wellbeing of an ecosystem, and this is in fact the normative view taken by a great many who would call themselves environmentalists. This holistically based view, in emphasising interdependencies, focuses not upon individual intrinsic value but rather upon how a species (aggregated species-specific 'individuals') may favourably or adversely affect the complex equilibrium of a given ecosystem.[69] This individual/species divergence will be pivotal to subsequent discussion in chapters four, five and six of the claims made by many environmentalists that an individually based ethic cannot meaningfully be applied to wider environmental concerns because it necessarily ignores the significance of ecosystemic interrelationships.

In order to frame my later arguments, at this point I want to briefly discuss these divergent viewpoints in the context of the advocates' own specific contextual understanding of the conceptual debate, and what for the participants may be at stake. A common argument arising from the animal ethics debate about where the emphasis on our moral obligations should lie is perhaps less about the 'value' of

[69] It is however a highly dubious claim that any realistic 'equilibrium' exists in a given dynamically and process based environment unavoidably subjected to constant change. In this sense the 'balance of nature' is little more than convenient myth for those who would seek to police nature or validate the legitimacy of animal abuse.

nonhuman animals *per se* and more about our presuppositions regarding our 'use' of them. For example, for those animal ethicists who take an abolitionist line regarding animal use the central issue is not *how* we treat animals, but *why* we use animals in the first instance (questions over the legitimacy of animal use, rather than the scope of welfare requisite).[70] However, both the abolitionists and welfarists tend - to varying degree – to agree that overt human egoism colours our thinking and practices regarding other-than-human-beings and that this egoism foments a form of human chauvinism that tends to perpetuate our biases towards nonhumans. Several theorists have suggested that in order to counter this self-centeredness we need to cultivate a 'respect' for nature rather than one based upon use-value calculus.[71] In as much as these arguments pertain to wider environmental concerns, the problem may well not be one of ethical wrong-headedness, but a short-sightedness about our own actual interests. The claim is that if we are merely to consider the future well-being of the human race alone it is incumbent upon the current generation to ensure that the environment (and for the purposes of this work this obviously includes the creatures within it) remains viable for a decent quality of life for future generations (destruction of the environment must at some point threaten the existence of humans). At least in this limited way it may be said that there is convergence of aims - albeit from very different perspectives. As 'rational' as this sort of anthropocentric thinking may be, the apparent convergence of aims does little to resolve either the existing environmental crisis, or change in any fundamental manner the way in which we treat nonhuman animals. It would seem then that in this context both an anthropocentric emphasis on future generations, and the nonanthropocentric call for abolition of overt animal use likewise remain largely unheeded in any practical far-reaching sense.[72]

Nevertheless, it may be countered that adopting a workable and appropriate anthropocentric approach to the nonhuman world may require only relatively small

[70] Gary Francione for example takes such an abolitionist stance (1996, 2009). See also Joan Dunayer in her critique of speciesism (2004).

[71] For some examples see Paul Taylor's seminal work, *Respect for Nature* (1986), Marti Kheel's *Ethics: An Ecofeminist Perspective* (2008) and Gary Varner's, *In Nature's Interests? Interests, Animal Rights and Environmental Ethics* (2002). Albert Schweitzer goes as far as to suggest a 'reverence' for life itself, see *Reverence for Life* (2002).

[72] For an excellent discussion of these broader themes and contemporary counter-argument see Robin Attfield, *The Ethics of the Global Environment* (1999) and Baker, *The Postmodern Animal* (2000).

changes in dominant existing ethical beliefs (as the majority of philosophical and ethical thought sits squarely in the anthropocentric camp), whereas a nonanthropocentric approach by its nature is radical, arguably theoretically problematic, and may require nothing short of a 'new' ethics. For many who support a nonanthropocentric outlook however, it is not the appeal to human interests that are cause for disconcertion in itself, but rather that anthropocentric attitudes leave us in effect with only one avenue of moral appeal – human interest.[73] The point of departure for nonanthropocentrists stems from this one-dimensionality - in that the 'human interests' scope of anthropocentrism regards profound 'natural' feelings such as respect, awe or wonderment towards the natural world (and our place in it) as misplaced. The implication here is that if, for instance, I confess a reverence for something - or even a love for that thing or being – I may well 'value' it without it serving my direct human interests. However, in expressing my natural empathic emotions, a strict anthropocentric interpretation strongly implies that I am making a mistaken value judgement. As is readily imagined one may profess a 'love for the land' or cultivate a 'respect for nature' and indeed this is precisely what a great many people such as deep ecologists argue as fundamental to right-headed environmental thinking. It would seem somewhat odd then that they may all simply be mistaken – and if in fact they are mistaken, it is less clear what mistake is actually being made. As Katie McShane points out, 'It is one thing to say that ethics shouldn't recommend love-of-nature to everyone; it's another to say that to love nature is a mistake' (2007, p.179).

Conclusion

In this chapter I have drawn an outline of contemporary interpretations of a rights-based position in order to contextualize a broad animal advocacy perspective for the reader as a prerequisite to the later development of arguments for a rapprochement between animal ethics and environmental ethics. I began with a discussion of the 'animal rights view today' and what may constitute moral standing and its place within animal advocacy. By way of introduction to the wider themes discussed later, a brief outline of some of the more pertinent contentions and contemporary challenges to the animal rights view were presented, including Warren's weak animal

[73] See footnote page 30, for the distinction made here between anthropogenic provenance and straightforward anthropocentric attitudes.

rights claim and the arguments from capacity, reciprocity, anthropomorphism and absurdity. I then went on to explore the scope of the animal rights-based view within the ethical debate. Issues around the 'language of rights' within contemporary discourse were critiqued in the light of the commonplace presumption that human beings are in a 'special' moral category and therefore that humankind is frequently perceived as being uniquely 'set apart' from nature. I concluded with an evaluation of the limitations and challenges of animal advocacy and assessed the centrality of intrinsic and extrinsic based arguments for the animal rights movement at large.

Cultivating a workable and appropriate nonanthropocentric approach to the nonhuman world plainly takes us beyond the normative animal ethics debate into wider animal protectionist issues - which is precisely where this thesis is to boldly go. I believe the core claims (and problems) and challenges of contemporary animal ethics are not - and indeed should not - be confined to the animal rights/welfare discourse. There are, I will argue, core strengths (and weaknesses) in the rights/welfare dichotomy within animal ethics that transcend the debate and, as I will contend, serve to derail some aspects of wider animal protectionism. The arguments discussed so far tend to presume that some sort of choice has to be made between anthropocentrism and nonanthropocentrism. In reality most of us sit somewhere along the 'sliding scale' of the divergent extremes - and this is equally true of 'animal ethicists' as well as 'environmental ethicists'. Indeed, the biocentric individualism argued for later in this thesis may fairly be viewed as a 'discrete eclecticism' of both elements, in its resistance to both rigid anthropocentric and nonanthropocentric postures. However, as a starting point for extrapolation to these forms of wider animal protectionism, in the next chapter I critique animal welfare aims and practices within contemporary animal husbandry in order to draw out the core strengths (and weaknesses) in the rights/welfare dichotomy as a requisite foundation for wider discussion.

2. Welfarism and Animals: The Limits of Animal Advocacy

> We cannot claim to be promoting the welfare of a species, if we allow most of its members to be miserable. Richard Sorabji, *Animal Minds and Human Morals: The Origins of the Western Debate.* [1]

In this chapter I discuss nonhuman animals in the context of an animal welfarist position, and consider the ways in which an abolitionist animal rights-based view differs. Both positions are clearly in support of animal interests, but have at their heart conceptually diverse and far-reaching theoretical divergence. I challenge what I interpret as inherent arbitrariness in welfare-based approaches in the light of contemporary animal husbandry practices.[2] I start with a critique of animal welfare in terms of its aspirations, and then go on to question the efficacy of its central aims both in the context of theory to practice asymmetries and its application to wider animal advocacy.

Bernard E. Rollin maintains that 'animal rights is the form that animal welfare concerns have taken since the mid-twentieth century' (2002, p.913). He reasonably argues that widespread assent to ideas of animal rights emerged as a consequence of radical changes in animal use in the mid-twentieth century. Historically of course, animals have for millennia been exploited for human advantage. However, pivotal to animal husbandry success was a general (though certainly not exclusive) consensus of respect for animal's natures which, amongst other things, recognised the biological suitability for the environments in which the animals were placed. This, arguably, further afforded some degree of protection and care for the animal that enabled it to live out a reasonably 'natural' existence – albeit ultimately for

[1] Richard Sorabji makes this poignant observation in *Animal Minds and Human Morals: The Origins of the Western Debate* (1993), p. 217.

[2] In referring to 'animal husbandry' here and subsequently, I use the term in its broad sense to encompass the various aspects of direct instrumental use of 'domesticated' nonhumans – and normatively subsumed in general practice under the generic term of 'livestock farming'. In this respect the term normatively carries with it tacit acquiescence to an (and I argue *illegitimate*) acknowledgement that animal husbandry and its ensuing impact on countless nonhumans is in fact morally 'legitimate'.

instrumental human ends. On Rollin's account, human self-interest ensured that the majority of domesticated animals at least enjoyed some prohibition form overt cruelty. Rollin argues that with the advent of modern technologies this 'ancient contract' was, in large part, broken. It became feasible (and profitable) to put animals into environments and uses that harmed their well-being, but did not impair productivity. With technological efficiency humans were now able to inflict enormous suffering on animal subjects in order to augment human gain – but now *without* the compensatory benefits to these subjects that were historically forthcoming. Consequently, this has fomented in the modern mindset awareness of both the 'unnatural' consequences that technology potentially (and realistically) wrought, and a growing concern for the need for some protection for those animals under human management. In this way society continues to demand some protection – or 'rights' – beyond blatant instrumental cruelty. In short, this 'protectionist' stance has become, for many, the commonplace understanding of 'animal rights'.

I contend, however, that notwithstanding the obvious benefits that such protectionism affords and the undeniable cumulative lessening of suffering for many animals, the idea of 'animal rights' in the context of ethical deliberation has deeper meaning and sense of permanency than contemporary protectionist viewpoints ascribe. For example, viewing rights as ultimately equating solely to legal protection, does not I argue, encompass the 'spirit' of what it is to be attributed rights in general. Furthermore, this concept of rights leaves the welfare of nonhuman animals always arbitrarily open to interpretation according to politics, period and place. We need, I submit, to understand what it is we assert when we talk of 'animal welfare'.

2.1 Animal Welfare

It would seem reasonable enough to state that mammalian animals (at least) have 'welfare' - in that they each fare comparatively well or ill. Their experiential life may of course fare better or worse over the period of their individual lives. Additionally, the mental life that each enjoys differs - by degree - across both individuals, and of course species. There would seem to be little that is controversial here. However, unless we are able to clarify questions about our interpretation and understanding of

what it is that constitutes the welfare of an animal (and I assert that this is not necessarily the same as our normative understanding of 'animal welfare'), and further, how this relates to our ideas of what represents full flourishing, we are likely to impoverish any subsequent moral enquiry.

Why welfare?

I would like to begin by asking if indeed such a thing as 'animal welfare' exists in any consistently wide-ranging context. Many would strongly argue that it does, and that moreover welfare considerations are nothing less than the duty, and indeed the hallmark, of a 'civilised' society.[3] There are undoubtedly common benefits, interests and preferences within and across species to be sure. However, the term 'animal welfare' in most contemporary connotations invariably turns upon our perceptions of 'good' treatment, and the idea of what is 'the good' in turn frequently is assumed to be common for all. I do not intend to discuss protracted ancient and contemporary philosophical conceptions of the 'good' here, but primarily simply wish to note that this view as and when applied 'outside' of the human domain is (necessarily) inevitably anthropocentric in nature; simply put, we determine that which is seen to be acceptable levels of welfare for nonhumans. Despite – or arguably because of – this perspective, perceptions of what comprises acceptable life conditions for animals rarely seem to tally with our delimitation of ideas of what is variously understood as *human* flourishing. Notwithstanding this qualitative difference, in pragmatic terms, our normative use of 'animal welfare' rarely alludes to specific cases and takes on a heterogeneous quality in tending to refer to the *dominant* mode of living for that species (in that the welfare requirements of 'pigs' will be deemed to vary from 'sheep' or 'fish' for example). As Regan points out:

> 'In either case, human or animal, one's chances to live well, relative to the kind of good life within one's reach, will depend on the degree to which one has the opportunity harmoniously to satisfy one's desires' (2004, p.89).

And more importantly for our argument here:

> 'If animals lack this opportunity, either because of natural circumstances (e.g., flood, draught, fire) or because of human intervention (e.g., destruction of

[3] The Jainist Gandhi famously set the measure of such societal affections when he proposed that the test of any society is how it treats its animals.

> natural habit), their chance to live well is correspondently diminished' (2004, p.89).

One's chance to live well then, is inextricably linked to opportunities to satisfy one's desires.[4] This observation would seem straightforward enough. Nevertheless, I think it important here to make a distinction between an individual animal satisfying its desires, and satisfying its needs. I contend in this chapter that much welfare-based thinking, whilst purporting to embrace consideration of what may constitute 'living well' for an individual animal, in practice all too frequently contents itself with fulfilling little more than the basic needs of that individual (or more usually 'group' of individuals). I submit that this aspect of what may be called *minimal welfarism* is all too readily equated to what trades as animal welfare. This minimalist approach to animal well-being is apparent in a wide-range of human interactions with the nonhuman world. An obvious example is the plethora of modern industrial scale farming practices and techniques, based primarily on efficiency, that necessarily 'trade-off' welfare concerns with economic return. Perhaps less obvious, are examples such as zoos where the animal's welfare concerns are more perceptibly given a higher priority than those unfortunate individuals that find themselves part of the 'machinery' of industrial scale food production. In the zoo setting, facsimiles of 'natural' environments, appropriately varied diets and stringent health care are applied with, I do not doubt, the 'welfare' of the animal clearly to the fore. However, arguably, at its core economics (it is a profit-based venture) still stringently apply here and it is doubtful whether such a commercially based enterprise such as a zoo

[4] I acknowledge that 'welfare' in its broader sense can encompass not merely desires, but include fulfilment of preferences and indeed interests. I submit however that 'animal welfare' as used in this work should not be conflated in meaning with this broader (human) understanding and usage. Whereas for moral agents these terms certainly take on subtle but importantly distinct connotations, I contend that in reference to moral patients within animal husbandry (and I have argued that animals in human servitude clearly are such), then our obligations are primarily 'negative' in character (see chapter 1.1 for discussion of negative rights, and further chapter 3.1 regarding the delimitations of our obligations to stewardship in this context). In the case of farmed animals desires may, for example, include a desire for non-confinement and escape for instance; furthermore, their interests may include an interest in living as 'natural' a life as possible; and the fulfilment of these would necessitate preferences that are likely at odds with industrial scale meat production. For further explanation of my use of animal welfare in the context of this work please see Glossary. Where my use of animal welfare diverges from my common meaning, see specific footnotes page 69 in discussion of 'the one dimensionality of animal ethical theory' and Singer's view below.

can ever deliver much above minimal welfare to what are after all captive creatures in 'artificial' environments.[5]

More complex still is the relationship we enjoy with domesticated companion animals – not ostensibly based on a predetermined commercial footing. In this relationship, multifaceted empathic emotions are embodied in the owner/pet relationship that millions enjoy. Indeed, for some people a dog, for example, can - in a very concrete way - truly be their 'best friend'. The term friend here is a noteworthy one, and based primarily upon a classification of some *significant other* within the individual human emotional and social life.[6] This mutually beneficial and supportive (at least at its best) relationship carries with it strong presumptions against cruelty. This presumption against cruelty permeates our multifaceted relationships with domesticated companion animals, and such a mutually reciprocal 'personal' relationship would rarely need to invoke conceptions of 'animal welfare' to determine the boundaries of duties of care. My overall point here is that regardless of these kinds of diverse qualitative dimensions of our interspecies relationships, there is, I suggest, a certain synergy between these very different ways in which we view, and subsequently treat, the nonhuman animal. Irrespective of the category of interspecies relationship, a welfare stance - that aims in general to minimise cruelty and advocate an enhanced duty of care - is ultimately no guarantee of individual right action and does not therefore carry any weight of a universal 'theory of right action' (Regan, 2004, p.142). Neither is it, in and of itself, necessarily morally creditable, as it is quite possible, for example, that a thoroughgoing racist may indeed be 'kind' to those of his own race.

Dominant strands in animal ethical theory

As a precursor to further discussion, in the opening chapter the various contemporary theoretical responses to what may constitute our moral obligations to nonhuman animals were introduced in the light of an 'animal rights' perspective. Broadly speaking, we may fairly say that much of the current (and convoluted) debate in defence of animals has arisen from two dominant strands within animal

[5] For a broad critique of contemporary issues and the polemic debate around the keeping of animals in zoo environments, see Christine Van Tuyl, *Zoos and Animal Welfare* (2007).

[6] See Warren Fox for a discussion of such empathic social interrelationships in *A Theory of General Ethics: Human Relationships, Nature and the Built Environment* (2006), p.269.

ethics.[7] The first is Tom Regan's animal rights theory (2004). The other is often viewed as a development of Jeremy Bentham's utilitarianism popularised by the work of Peter Singer.[8]

For Regan, higher mammals (and conceivably several others) are deemed to possess certain value-giving attributes.[9] On a conception of each animal possessing these value-giving attributes each must be attributed inherent value, and that each equally therefore has the 'right' not to be harmed. It is upon these criteria that Regan develops his animal rights theory.[10] However, whilst both Singer's and Regan's positions certainly argue from divergent premises, they each take (and rigorously defend) a particular core consideration: in the case of Singer this is chiefly worked out through equal consideration of interests/non-maleficence, and for Regan it is the claim for the inherent value of subjects-of-a-life.

Certainly Singer's *Animal Liberation* has rightly earned a distinctive place within theoretical analytical philosophy due to its impact not merely upon the academic debate, but upon practices in scientific research - and subsequently the way in which the meat industry is both regulated and perceived at large by the public. His thoroughgoing empirical expose of factory farming processes and procedures has profoundly influenced numerous individuals since its publication, and there are few animal activists who would not claim some inspiration from his work. Singer makes a clear claim for 'change' in our treatment of most nonhumans (ostensibly drawing boundaries at molluscs and creatures 'lower' than these on the phylogenetic scale). Singer seeks primarily (although not exclusively) to maximise

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[7] Contemporaneously there are of course other defenders of animal interests who would claim to take neither stance as the sole foundation of their theories, developing among other theoretical avenues virtue based ethics, sentience positions or ethics of care for example. For some topical exemplars see Marti Kheel, *Nature Ethics: An Ecofeminist Perspective* (2008), Robert Garner and Gary Francione, *The Animal Rights Debate: Abolition or Regulation* (2010), David Styzbel, 'The Rights of Animal Persons' (2006), Mary Midgley, *Animals and why they matter* (2006) and Steven Clark, *The Moral Status of Animals* (1997).

[8] Although of course Singer's work was preceded by writings from the likes of Brigid Brophy, Stanley and Rosalind Godlovich, John Harris and Richard Ryder, Peter Singer's first edition publication in 1975 enjoyed a far reaching audience and remains a central text for animal advocacy for many. Cited edition *Animal Liberation* (1995)

[9] Such attributes include beliefs and desires; a sense of individual self overtime independent of utility to others; perception, memory and a sense of the future (including their own future), complex preference and welfare interests and the ability to act on these attributes.

[10] Regan's views and arguments are worked out in greater detail in chapter one and I would not wish to repeat myself here in dealing chiefly with animal welfarism.

preference satisfaction. As Richard Sorabji observes when discussing Singer's position: 'The moral theory, if I can say this without disrespect, has a one-dimensional aspect, in that only one thing is thought to matter: the satisfaction of preferences' (1993, p.211). Nevertheless, despite this (certainly arguable) one-dimensionality, Singer's contribution to our contemporary concepts of animal welfare remains 'one of the most cogent, influential and effectual works of applied ethics ever published' (Llorente, 2009. p.61). However, whilst it is true that Singer's position turns upon precursory ideas of satisfaction of preferences, it is interesting to note that the terms 'utilitarian' and 'utilitarianism' are almost entirely missing from the text, and appear only in descriptive reference to utilitarian theorists.[11] As Renzo Llorente points out (2009), his arguments are derived, in essence, from principles of non-maleficence (minimising/not causing harms) and equal consideration of interests. Indeed, in his work Singer frequently stresses both the latter[12] and former[13] principles, and it is fair to say that a formative strength of the work is that his practical, substantive conclusions can be derived from both the principle of non-maleficence and the principle of equal consideration of interests in symmetry.

This symmetry may be adumbrated by the following logic: 1) *It is morally wrong to cause the suffering and death of animals unnecessarily; 2) We do cause the suffering and death of animals unnecessarily; therefore: 3) What we do to animals is morally wrong.*[14] Suffering here, at least for Singer, involves diverse actions such as hunting, vivisection and of course meat consumption. It is clear then that it is not necessary to derive this form of argument form a general utilitarian grounding - in that the premise does not require an obligation to maximize pleasure and minimize pain, for example. There is, in short, no imperative of maximization inherent in the argument, and so it is difficult to envisage how it may be construed in strict utilitarian terms. As a matter of fact, Llorente argues that a central reason that he believes *Animal Liberation* is widely construed as a utilitarian text turns on the facts that Singer himself has repeatedly stressed his utilitarian credentials, and that numerous of his examples in the work rest on utilitarian grounds (2009, pp.61-68).

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[11] Namely Sidgwick and Bentham, see 'A Utilitarian View' in P. SINGER, ed, *Bioethics: An Anthology.* (2006).

[12] Singer (1995), p.231

[13] Singer (1995), p.21

[14] For further critique see Colin McGinn, 'Our Duties to Animals and the Poor' in *Singer and His Critics.* Ed. Dale Jamieson (1999), p.150-1.

Llorente argues that the principle of non-maleficence herein does not entail any 'duty' of maximization, and in fact I will argue that the principle serves not merely to ground the condemnation of harming animals by the way they are treated, but encompasses too an acknowledgment that to actually end an animal's life is plainly causing it harm (and arguably, the 'greatest' harm possible). This idea is considered shortly in the next section in discussion of the 'Problem of Welfarism' and how this idea of *death itself as harm* foments my later arguments for adoption of a rights-based individualism in our dealings with nonhuman animals. At this point however, it is important to note that Singer's non-maleficence is not absolute in the sense that 'equality of species' is sacrosanct. Singer, despite devoting pages to the refutation of different meta-ethical reasons for favouring humans and dismissing such biased views as 'speciesist', does not conclude that a call to non-maleficence demands anything greater than equal consideration of interests, and argues that there are certainly 'plausible reasons' to give precedence to 'normal' humans over 'normal' nonhumans. Embedded in his call to non-maleficence are three 'qualifications': 1) *It is wrong to take a person's life, but not directly wrong to take a non-person's life; 2) A person's life is valuable in a way that a non-person's life is not; and 3) A person has important interests (preferences) that a non-person does not have.*[15]

Short of the fact that Singer never clearly qualifies precisely what he means by 'directly wrong', Singer's conception of 'equality' across sentient species contains one minor and two major arguments to support his view: The minor argument is itself twofold and turns upon the altruistic character of ethics generally; and the observation that the sphere of moral consideration has tended, historically, to broaden. This supposed teleological evolution from 'lower' to 'higher' modes of ethical deliberation and moral awareness does of course provide a persuasive background for what may be termed a 'rational altruism' – at least in Singer's sense of what normatively passes as 'ethics' - and as Singer accepts, has evolved from patterns of altruistic behaviour among the social animals. From this foundation Singer argues that the principle of equality, as he perceives it, is taken to be a straightforward application of the 'universal' point of view – and for him, core to any valid ethical framework. What is meant here is that this conception of value views the

[15] For Singer, the 'special' life that a person has is bound to the kind of interests that a person has, see *Practical Ethics* (1993), p.94.

concept of universalisability as finding ethical place in the idea that at least *some* point of view is necessary for holding and validating normative positions.[16]

Calibrating Singer's ethical scales

The first major argument arising from this viewpoint is that the principle of equality (at least as Singer expounds it) entails notions of equality across species. The second major argument follows that the universal point of view leads us to equality across species.[17] Giving unconsidered preference to humans is therefore ruled out by the principle of equality, which for Singer is the only rational basis for his ethics.[18] Noteworthy here is that Singer conceives of the principle of equality as substantial and not merely formal in nature – in short, an ethical principle that is robust enough to effectively exclude sundry inegalitarian practices and 'fundamental' enough in nature such as to support equal concern for each individual and his/her set of basic ends, even if they differ. Famously, Singer likens his principle to a set of scales, asserting that 'True scales favour the side where the interest is stronger or where several interests combine to outweigh a smaller number of similar interests: but they take no account of whose interests they are weighing' (1993, p.56). So for Singer, his 'scales' are both calibrated for 'interest' based measurement, and set as qualitatively impartial.

The important point to note here however is that Singer's 'true' scales *weigh not individuals, but interests* (or satisfaction of interests). A straightforward question arises from this analogy: how might we then 'calibrate' his ethical scales for true interest impartially between individuals? I believe that the chief difficulty arising from this analogy is that rather than being the 'true' scales that Singer presents, the scales must in fact be 'loaded' - and the balance decidedly 'tilted' in favour of certain preferences. Again then, we are presented with weighing more complex interests against less complex interests at large, and for Singer humans (at least most humans) have more complex and rich interests than nonhumans. Singer plainly thinks that human life is 'worth more' than other forms of life, and likely would

[16] For a thorough fleshing out of this principle see Richard M Hare, *Moral Thinking* (1981).
[17] Coincidentally, Roger Fjellstrom argues that these universal prescriptive arguments fail if embedded in 'traditional' ethics in 'Equality Does Not Entail Equality across Species' (2002).
[18] His principle of equality is outlined in a lesser known work of Singer entitled *The Expanding Circle* (1983), p.109.

disregard the implications of Hume's quote cited at the outset of chapter five that 'The life of a man is of no greater importance to the Universe than that of an oyster' in his moral framework. To clarify here, his rejection would not rest upon a metaphysical claim that the Universe is 'indifferent' by its very nature, or indeed the observation that it is humans that bring value to the world - but rather the more unsympathetic conviction that the life of an oyster simply has no 'quality' at all.[19] I submit that in contradistinction to his claim Singer's scales are *pre-loaded* to take considerable account of *whose* interests are being weighed in the balance. In this limited sense Singer's principle of equality does not yield fundamental equality across species. In effect, his principle allows for *sustained* 'legitimate' preference for humans when human and animal interests are in conflict. In addition, as Roger Fjellstrom points out, 'Even if the concept of interests were impartial with respect to species, the principle of equal consideration of interests (or other versions of the principle of equality) does not by itself imply equality across species' (1993, p.342).

2.2 The hope of welfarism

In deliberating upon ideas of principles of impartial consideration of interests with respect to species, it is necessary to acknowledge that we do not of course live in a perfect world. There are few *humans* who get to do whatsoever they wish, when they wish to do it. Most are 'forced' to earn a living through repetitive salaried toil - for the most part under exploitative hierarchical working conditions and arguably the opportunity for full flourishing is, by degree, therefore curtailed. However, 'resignation' to such necessity - at least throughout most of the industrialised world - frequently, I believe, fosters attitudes to wider nature (and to each other) that carry 'intrinsic' ideas of imperfectability. In short, human lives and human life chances are deemed to be 'imperfect', so, it follows, it would seem little more than utopian to imagine otherwise for nonhuman animals.

[19] Singer (1993), pp. 85-95.

The one-dimensionality of animal ethical theory

Arguably, then, the dominant views within animal advocacy subtly reflect this conception of imperfectability in their delimitations of the scope of moral concern: in that they each take a particular consideration and place extensive ethical weight on that particular emphasis - and what or whom is effectively included or excluded. As we have noted, in the case of Singer the scope of moral concern is chiefly worked out through equal consideration of interests/non-maleficence, and for Regan it is developed through the claim for the inherent value of subjects-of-a-life. Despite the fact that these positions clearly challenge a traditional understanding of ethics and the place of the nonhuman animal, what I believe nevertheless makes these dominant views persistently troubling is that both perceptibly move away from their ethics (by degree) when considering conflict-of-interest cases. Much of the difficulty with applied theoretical consistency in dealing with actual conflicts of interest cases within animal advocacy stems from the inevitable limitations of the one-dimensionality of the prescriptive ethical framework.

The lack of coherence between Singer's ethical position and actual ethical theory in this instance turns, I suggest, primarily upon shortcomings in his formulated meta-ethics that persistently defend a form of what can be conceived of as little more than human favouritism in instances of direct interest conflicts between humans and nonhumans. Reflecting his distinction between self-consciousness and consciousness, Singer makes this statement:

> 'Rational, self-conscious beings are individuals, leading lives of their own and cannot in any sense be regarded as receptacles for containing a certain quantity of happiness. They have, in the words of American philosopher James Rachels, a life that is biographical, not merely biological. In contrast, beings who are conscious, but not self-conscious, more nearly approximate the picture of receptacles for experiences of pleasure and pain, because their preferences will be of a more immediate sort' (1993, p.126).

There are however several interrelated (and compounded) problematic questions that arise from his premises:

1) Whether or not animals that are not self-conscious (the determination of which is of course problematic in itself) have *biographical lives.*
2) Are animals that are deemed not to possess self-consciousness *individuals?*
3) Do animals that are deemed not to possess self-consciousness only experience *immediate preferences?*
4) Are these animals *replaceable* by 'new' individuals?
5) Do these animals have any meaningful *interest in continued life?*
6) *Are* animals that are deemed not to possess self-consciousness merely *receptacles for pleasure and pain?*[20]

Taken together, these questions raise significant issues for an understanding of our relationship to other-than-human animals – and indeed for Singer's conception of such. The first question is somewhat moot, in as much as Singer tends to tacitly use what are effectively 'weak' and 'strong' definitions of a *'biographical life'* as a basis for some of his distinctions. A weak definition of a biographical life may be defined as one that tentatively applies at minimum to *all* mammals, perhaps birds and other 'borderline' creatures (as Singer determines them). The problem for Singer's interpretation however is that he tends towards a stronger interpretation of 'self-consciousness' when forming his arguments for differences in treatment, and this is evidenced if one considers what is *excluded.* Fish for example, are patently not self-conscious according to Singer, in that he does not assign them the capacity to be able *to tell one's story.*[21] This *stronger* construal would however likely require such highly developed cognitive processing (the telling of one's own story) that it would probably be strictly applicable only to fully functioning humans in its fullest sense. This being so, *all* nonhumans would need to be designated, at best, a 'weak' biography. The problem therefore is that on Singer's stronger interpretation, it is hard to see why, for example, the great apes can clearly be incorporated in the strong sense along with humans (as Singer would wish to do), whilst other species are excluded. What then would be required of Singer is that he provides a demonstrably

[20] Roger Fjellstrom discusses Singer's meta-ethics at length in 'Is Singer's Ethics Speciesist?' (2003).

[21] I would argue that perhaps this stronger usage may better be termed 'autobiographical' on this interpretation and not biographical - in that Singer is advocating a 'telling of one's own story'. This is of an entirely different conceptual order to having a 'biography' which is arguably an essential attribute of a great deal of sentient life. This idea is expanded upon in chapter five in discussion of a biocentric interpretation.

non-partial account of the 'biographical life' (non-partial in his human-favouring sense) as being *consistently* superior to all other kinds of life.

The second point is again one of interpretation and meaning. To question whether or not beings that are not self-conscious are *individuals* seems, to my thinking, to represent a rather skewed interpretation of self-consciousness and consciousness. It is clear that each and every creature is 'unique' biologically and temporally (in place and time). It is only when ideas of individuality conflate with concepts such as 'person', 'personhood' or 'autonomy' that the meaning of individual becomes value-laden. Regardless of species designation (and 'species' itself is notably a human construct), there exist only individuals - with a unique past, present and future. They are not somehow subsumed under some conceptual collective consciousness (outside of human construct), but exist as independent conscious entities – as 'individuals'. This is not to deny diverse and complex interrelationships, but merely to state that in substantial form each individual exists as a disparate life-force, and not as some perceptible extant homogeny.

Thirdly, is the uncertainty of whether or not beings that are not self-conscious experience nothing more than 'immediate preferences'.[22] Again, if 'preferences' are taken to mean that nonhumans too exhibit diverse behaviours that show some understanding of future events (and this includes self-regarding events), then such preferences are visibly evident in the ways in which various animals interact with their environment – many of which do not make it into Singer's self-conscious pantheon. For example, the collection and storing of winter stores, or the building of nests, are illustrations that point to at least some form of comprehension ('instinctual' or otherwise) of future events.[23] A call to simple 'instinctual' drives as the sole

[22] Again, this is not the only criterion that necessarily forms a concept of 'welfare' and I merely discussion this specific aspect in relation to Singer's claim here. In addition to immediate preferences considerations of 'desires' and 'interests' may be warranted in broader context - see footnotes page 60 in discussion of 'why welfare' for clarification of this distinction and its distinctiveness in this work; In addition, see Glossary for clarity of general meaning. For further and extensive discussion of welfare and well-being in wider theoretical context and its comparative usage within the animal ethics debate at large, see Marian Stamp Dawkins' excellent expose, *Why Animals Matter: Animal consciousness, animal welfare, and human well-being* (2012).

[23] Even if claiming 'mere instinct' in these instances, there must be conscious cognitive predeterminations taking place in complex and 'pre-planned' ways whether one chooses to designate such behaviour as instinctual in nonhumans, but somehow always' reasoned' in humans. I submit that this attribution of mere instinct is more likely indicative of tacit interspecies bias. It is at the very least odd that we may see such predeterminations in other beings as wholly instinctual

reason that such behaviours are commonly observed is to make a false separation of *kind* between human drives and instincts and those possessed by many nonhumans. In short, so-called 'instinctual' behaviours are as much a part of human motivations as they are to nonhuman ones. Neither human nor nonhuman exist entirely by reference to instinct or to reason alone, it is rather, the *degree* of each attribute extant in the individual that defines each. Moreover, that animals can rightly be said to have *some* interest in 'future' well-being, and that many animals have these sorts of *future-orientated interests* is in fact something that Singer lately concedes.[24]

Fourthly, the question of whether or not beings that are not self-conscious are *replaceable* (replaceable in the literal sense) by new individuals of the same species is implicitly raised here. If indeed it can non-partially be argued that there is some intrinsic qualitative difference between, for example, humans and nonhumans that admits to individuals being routinely replaceable, then this idea would seem reasonable. Singer however tends to put weight upon the 'possibility' that satisfaction of 'non-actual' preferences (extensively human) outweigh satisfaction of actual ones (in effect immanent nonhuman preferences), but this reliance upon non-actual preferences does not manage to 'save' *persons* from the replacability that his preferentialism designates. As Roger Fjellstrom puts it, 'If 'replaceable' means that the loss in a killing can be compensated by the creation of positive value for the individual and her/his surrounding, then beings that are not self-conscious are not replaceable, just as persons are not.....But if it means that the loss in a killing can be compensated by the creation of positive value for the world as a whole, then humans and non-humans are equally replaceable, on the same utilitarian principle' (2003, p.97).

The fifth question is whether or not beings that are not self-conscious have an *interest in continued life.* As we have seen, Singer argues that there are indeed qualitative differences between humans (or rather for Singer, 'persons') and nonhumans. As discussed shortly, death is the final and irretrievable cancelling of all

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whilst denying the strength of instinctual drive to similar predeterminations in humankind. This is of course not to deny that the 'balance' between instinctual behaviours and reason induced behaviours do not change as organisms become less complex, but merely to point out that there is no clear delimitation that sets instinct as the only criterion for nonhuman behaviour.

[24] Singer lately concedes this point that he argued against in his earlier work, see McGinn's *article* 'Our Duties to Animals and the Poor' in *Singer and His Critics* (1999).

experiences (and all 'potential' future experiences) for the individual. This surely is as true for a human individual as it is for a nonhuman. Singer therefore builds bias into his assumption that the human must lose more by assessing such loss in *purely* human (and in this selective case, notably fully functioning and 'privileged' humans at that) terms. However, if both self-conscious and conscious beings have at least some form of future-orientated preferences, then this is *experienced* by the individual as an interest in continued existence.

The final question concerns whether or not beings that are not self-conscious are only *receptacles for pleasure and pain* – unlike, on this account, self-conscious individuals. This question can be answered straightforwardly by pointing to the fact that if they are receptacles for pleasure and pain, then they must also be receptacles for preference satisfaction (*even if* the 'preference' was deemed to be merely avoidance of pain, it would still constitute a legitimate 'preference'). If they display the former without somehow having the latter, Singer seems to give scant reason as to why *persons* are not also such receptacles. He argues that in the case of a person 'there is a personal loss that is not balanced by the creation of another being' (McGinn, 1999, p.310). This statement is not however fully defended - and besides, as we have noted, Singer admits that beings that are not self-conscious *do* have some future-orientated interests. This would then seem to negate his argument for nonhumans as the *sole* receptacles for pain and pleasure.

Other considerations

There are of course other relevant and worthy considerations that may additionally be taken into account in defining criteria for our moral obligations to nonhuman animals – several of which will be discussed later in this work in the context of wider animal advocacy ('outside' of the confines of 'animal ethics' alone). Many green views for example, place emphasis on our relationships with other-than-human animals.[25] As a matter of fact, interrelationships are of course inevitably multifaceted, complex and numerous – within and across species, as well as individually experienced. Understanding the complexity of 'relationships' is however open to wide interpretation and misinterpretation, and at best is a notion that is

[25] For emphasis on relationship based obligations see contemporaneously examples from the likes of Marti Kheel, *Nature Ethics: An Ecofeminist Perspective* (2008), and David Styzbel, 'The Rights of Animal Persons' (2006).

notoriously difficult to pin down, due in no small part to the inherent fluidity and dynamics of relationships and the given perspective that the relationship is being adjudged from. As a very general principle we may say that relationships tend towards process (are dynamic in nature) rather than inertness (determined as fixed and inflexible). For example, likely the farmer, it may fairly be said, has a 'deeper' relationship to the dairy cow than the consumer of cheese or milk products has to that – or indeed any other – dairy cow. This of course is not to say that the relationship is in any sense equal, consensual or mutually beneficial – indeed in modern dairy production this is overwhelmingly not the case. My point here is that any qualitative difference in this instance is engendered not in the preference satisfaction experienced by the dairy consumer, or in the worth (or lack of it) that the farmer gives to the cow, but in the qualitative difference in relationship to the farmed animal that each individual (human) experiences. Such things as familiarity over unfamiliarity, economic reliance (both farmer and consumer), knowledge or lack of knowledge of an individual animal's character traits, or merely the perception of use-value and purpose may provide pragmatic reasons for qualitative variances across relationships. However, it is that the farmer/dairy cow relationship demands 'more' of the farmer than the inevitably distanced relationship experienced by the 'end user' (there is at minimum some interdependency in the product/producer 'relationship' not extant in the product/consumer one).

In addition, wider cultural relationships inevitably play into this complexity. If we further consider the human/cow interrelationship in an alternative contemporary cultural context, the relationship between cow and human person takes on a very different complexion. In India, for the Hindu, the cow is deemed sacred, and it is this revised relationship that alters not merely the human attitude to cows, but also the cow's behaviour. In actual fact, cows are treated in this culture much like (revered) pets in the western world; being accorded a relationally revised status, they behave more like companion animals rather than herded livestock amongst human populations. This raises an interesting point for animal advocacy in general terms: herein, it is not the religious status ascribed to the cow that defines and enlivens this relational shift (although religious edict is of course the initial causation), but rather the way in which the dynamic interaction that daily human attitudes and practices

subtly influence expectations of the other; in this example, both of the cow and the human.

Notwithstanding these observations, for many it is these *experiential* nuances that foment and give meaning to human/nonhuman relationship - and not reducible theoretical principles or theological decree alone. It can by and large be said that ethical theories that seek manageability at the expense of multiplicity, whilst often attractive to the theorist, frequently prove inadequate in explaining this *dynamic* quality of extant experiential interrelationships (Kheel, 2008). This sort of dichotomy is of course characteristic of the intersections between theory and practice that all ethical deliberation must eventually confront. With this in mind, we now move on to discuss a defining example of such an 'intersection' within animal advocacy - that between animal welfare ethical theory and actual animal welfare practice within contemporary animal husbandry. This is presented in the context of what, I contend, is a pivotal problem for a welfarist approach: that of *death itself as a harm* – which arises, I argue subsequently, from a fundamental and embedded 'theory to practice' asymmetry.

2.3 The problem of welfarism

Each day more than 130,000,000 farmed nonhuman sentient beings meet the designated end of their lives - always prematurely, always violently, always without chance of escape. During life, animal welfare initiatives strive to ensure that that they 'fare well' until their appointed time. But can such an individual life, from birth defined not as a morally considerable subject-of-a-life, but as a pending 'subject-of-a-death' fairly be designated as one that fares well? I will argue here that much animal welfare-based thinking, whilst purporting to embrace consideration of what may constitute living (and dying) well for an individual animal, in practice all too frequently contents itself with fulfilling little more – and frequently less - than the basic needs of that individual or group. The core moral problem for this 'minimal welfarism' is that it all too readily trades as a reasonable duty of care. In this way animal welfare becomes the mechanism for perpetuating its own myth, ameliorating our

consciences and improving productivity. I argue for an urgent re-examination of the term 'animal welfare' itself, and question the moral adequacy of 'Illfare' reducing strategies. In order to contextualise subsequent argument for an individualistically based environmental ethic, I make a preliminary case here for a re-examination of the term 'animal welfare' itself and question the moral adequacy of 'illfare' reducing strategies.

Welfare or 'Illfare'?

In formulating my ongoing line of reasoning in support of rights-based animal advocacy, in chapter three I start out by proposing two distinct classes of moral response in broad terms. Firstly, those creatures we generally perceive as 'wild' animals and argue that our current paternalistic attitudes are, in the main, inappropriate and argue that only cases that are deemed in direct conflict (for example, human non-basic need weighed against nonhuman basic need) may warrant overt interventionist strategies. Secondly, I discuss a further classification of nonhumans - those that are not normatively deemed to be 'wild', but fall more readily within some form of interrelationship with humans (either directly or indirectly). This classification I want here to call *animals in human servitude,* and begin to argue for radical change in our welfare-based moral responses. In discussion of the broader themes that a developing rights-based view necessarily has to consider (nominally welfarism, paternalism and ecocentrism), points of overlap and intersection in our taxonomies are analysed within the subsequent chapter - such as notions of managed 'wild' deer, game parks, reserves and 'the problem' of companion animals.[26] Indeed, it is such points of intersection that raise significant qualifications in development of the biocentric individualistic account developed later.

However, before extended later discussion of our moral responses to the category of 'wild' animals (and indeed those that fall into the space between 'wild' and 'domestic'), in an attempt to more clearly define our commonplace notion of 'animal welfare' I concentrate here on those individuals who unambiguously pertain to the 'animals in human servitude' classification –specifically farmed animals (and

[26] See Glossary for working definitions of 'welfarism', 'paternalism' and 'ecocentrism' in the context of this work.

primarily for clarity of argument, intensively farmed animals). Indeed, given farming's remit to 'produce' sentient animals with the sole aim of ending their lives prematurely in order for humans to consume their flesh after slaughter, such beings would certainly seem a paradigmatic example of creatures that fall into the category of 'animals in human servitude'. An individual might for example cultivate a generalised 'respect for nature' in his or her attitudes to wider nature, but, there may be more *directly* demanded of the individual to those animals that fall under the 'human servitude' class of moral response (Taylor, 1986). Many of the arguments for both categories are of course frequently rooted in various notions of a respect for life (life here nominally meaning acknowledgement of *some* degree of autonomous continued existence of the 'other'), but I want here to primarily consider our moral responses to animals that are specifically brought into being directly by us (in the main - farmed animals) and discuss our normative obligations to them – what is in this context ostensibly termed 'animal welfare'.

The sphere of animal welfare's moral concern tends in practice to broadly distinguish two categories of concern for the welfare of farmed animals: firstly, what I wish to call the 'living' concerns – those that primarily encompass the conditions of the animal's life. Secondly, the 'dying' concerns – those that pertain to our attitudes and practices in ending the animal's life. Indeed there is a plethora of 'animal welfare' legislation that concerns itself with this latter category and includes issues around the age and condition of the animals sent for slaughter, transportation of livestock and the multifaceted 'finer points' of animal slaughter processes and procedures - to name but a few of the legislative controls that are subsumed under the familiar category of 'animal welfare' concerns.[27] That we use the term 'welfare' to encompass *both* the living conditions and the dying conditions - those that pertain to the inevitable premature slaughter of a healthy sentient being – arguably brings into question our very designation of the term 'welfare' in any meaningfully applied or descriptive sense. At the very least it is incontrovertible that animals in human servitude are harmed in various ways by the practices required to bring them to our

[27] Responsibility in the UK falls to the Department for Environment, Food and Rural Affairs (DEFRA) and The Welfare of Farmed Animals (England) Regulations 2000 and equivalents in Northern Ireland, Scotland and Wales detail specific standards under which you must keep farm animals .

plates - and such 'harms' imposed upon the defenceless, need rational defence (Nobis, 2008).

The 'traditional' view of animal welfare has conventionally not questioned whether we use animals, but how we use them. Although the form of utilitarianism that has given rise to many of our normative ideas of what constitutes animal welfare has certainly broadened the moral landscape to include nonhumans, it leaves the proverbial door open to those who would claim that certain cruel uses of animals can be justified by appeal to the greater happiness that may result for human beings.[28] Animal welfare in this sense '...assumes the legitimacy of treating animals exclusively as means to human ends as long as certain 'safeguards' are employed (Francione, 2008, p.191). Of course not all 'traditions' are good or right. The key question is whether an aspect of a tradition (or the tradition in itself as a conceptual whole) can be supported by good moral reasons or not. It is also true that the tradition of meat-eating is, for a great many people in other cultures, not a tradition at all.[29]

In questioning the applicability of the term 'animal welfare' here, I of course am not advocating that there should be no attempt at easing harms in a generic sense – either direct or indirect, individually or collectively, intra-species or inter-species. Moreover, animal welfare itself is of course no one thing. There exists a broad range of concepts, theories and practice that variously encompass wide-ranging protectionist aims and aspirations.[30] Indeed, the liberal tradition dictates that both individuals and society at large have some moral duty to protect the vulnerable. Arguably, so-called 'dumb animals' are extremely vulnerable to human attitudes and

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[28] See Heather Fieldhouse's 'The Failure of Kantian Theory of Indirect Duties to Animals', (2004) for a critique of Kantian deontological theories in the light of utilitarianism.

[29] Obvious examples are of those found in diverse religious prohibitions against the eating of meat (or sometimes certain meat) as found contemporaneously in Jainism, some forms of Buddhism and Hinduism.

[30] Animal welfarists comprise an eclectic mix of ethical standpoints. These ranging from criticism of the more abusive forms of agribusiness including many intensive methods of farming - exemplified in strategies adopted by organisations such as PETA and the RSPCA in the UK, through to those seeking abolition of overt animal use through piecemeal change, to those calling for immediate cessation of several 'accepted' practices inflicted on nonhumans. See Peter Singer, "Down on the Factory Farm," in: J.P. Sterba, ed, *Earth Ethics: Introductory Readings on Animal Ethics and Environmental Ethics.* 2nd edn. (2000), David Styzbel, 'Animal Rights Law: Fundamentalism versus Pragmatism', (2007) also Rob Garner, *Animal Ethics* (2005).
and for contemporary welfarist perspectives visit the RSPCA website
http://www.rspca.org.uk/allaboutanimals/farm/-/article/FAD_AllAboutAnimalsFarmAnimals

practices - not least in their inability to adequately defend or argue their interests, or to signify verbal consent or dissent at treatment and use. In this respect they may in fact count amongst the most vulnerable individuals. I argue then, that the core 'problems of welfarism' in this context are threefold: 1. Within the remit of modern farming practice animal welfare in fact becomes the mechanism for perpetuating its own myth, ameliorating our consciences and improving productivity,[31] 2. It does not (and arguably cannot) take into account a full recognition of what is assumed to be a flourishing life, 3. The normative (mis)understanding and use of the term animal welfare itself is misdescribed and misplaced.

Animal Welfare: The myth perpetuated

David Styzbel outlines four useful (although not exhaustive) 'Levels of Harmful Discrimination' in the treatment of sentient beings.[32] Ignoring here the possibility (indeed desirability) of a Level '0' harmful discrimination, which would constitute effectively no harmful discrimination of course, Styzbel's suggested levels are:

> Level 1. Minor Harmful Discrimination. Individuals may have their necessities catered for, but often regarded with contempt or indifference.
>
> Level 2. Major Harmful Discrimination. More than 'intangible' discrimination, and may include material deprivation (food, shelter, etc.)
>
> Level 3. Very Major Harmful Discrimination. Individuals may be used instrumentally - killed violently, eaten, hunted, experimented on and enslaved. However, at this level the harm occasioned from this treatment must be carried out 'humanely', 'kindly' or with no 'unnecessary suffering'.
>
> Level 4. Extreme Harmful Discrimination. Here individuals may be treated as level 3, but with no significant regard for well-being, humaneness or kindness.

It is clear from this that for most of us the perception of the 'standard' animal welfare framework for our use of farmed animals falls chiefly under Level 3 (although,

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[31] By the term 'perpetuating its own myth', I simply refer to the tendency within the broad spectrum of animal husbandry, that animal welfare is in practice 'institutionalised' into agribusiness as 'business as usual'. Welfare in this way can be construed as a means to legitimate and perpetuate the industry at large (substantiating its own claims or 'myths') – in that 'end users' of animal products are reassured that welfare initiatives were applied at some point in the production process and that therefore we have 'done all we can'.

[32] David Styzbel outlines his Harmful Discriminations in his paper entitled 'The Rights of Animal Persons' (2006).

arguably, on a global basis many factory-farmed animals likely fit more clearly into Level 4 in actual practice). The evident problem for those who would support humane treatment toward farmed animals is that when mapped out in this way there remains a persistent tension between the very major harmful treatment being carried out at Level 3 and the proviso *within* this level that this treatment be humane, kind and involve no 'unnecessary' suffering. Within animal ethics as a discipline there are numerous responses to this inherent dialectic. Styzbel himself, for example, attempts to develop alongside some contemporary eco-feminist positions (Kheel, 2008) a version of an Ethics of Care. Likewise, recognising this 'mismatch' of treatment (kindness) and aims (killing) a 'New Welfarist' position recognises the dialectic, and in response sees incremental change as leading to a long-term goal of abolition of overt animal use. In essence, we may say then that new welfarism seeks abolition as an eventual goal in response to Level 3 tensions - whilst 'accepting' Level 3 discrimination in the meantime. In this sense new welfarism is characterised by a reliance on piecemeal change to lessen, and eventually dissipate, animal abuse. Given the very real cultural, economic and political vested interests at stake, it would on face value, seem that the *long-termism* of the new welfarists is a reasonable – and conceivably the only realistic – hope for greater human/nonhuman egalitarianism. However, the difficulty here again is that the central tension embedded in the Level 3 proposition between 'kindness and killing' doggedly remains, and it is this very tension that serves to ultimately derail any meaningful piecemeal improvement in animal welfare.

If we concede that incremental change is indeed possible (or even desirable) there nevertheless remain several serious problems for this approach. Firstly, as Gary Francione points out, there is in fact no evidence that piecemeal change leads, by default, to abolition.[33] Certainly, a cursory comparison with the closing history of the human slave trade exemplifies the impotence of piecemeal 'improvements' in the face of immoral practice. The impetus for change came not from an outcry against the welfare conditions endured by those enslaved, but by the growing moral outrage at the *very idea* of slavery itself as being morally indefensible. The anti-slavery movement was not motivated by a reliance on piecemeal change, but a conviction

[33] Gary Francione takes a largely abolitionist approach to animal advocacy. See *Animals as Persons: Essays on the Abolition of Animal Exploitation* (2008).

that abolition was the only appropriate response to such overt abuse. It is noteworthy that this call to abolition was voiced in the face of very powerful forces of opposition from political, economic and cultural quarters, and obvious comparison can be made to the societal climate encountered by any call for abolition of animal exploitation today. The familiar admonishment that the current global economy would crash if all animal 'slaves' were to be freed certainly echoes the concerns of those who profited from human slavery. In fact, it is a truism that many animal protectionists today perceive that they are 'waging war' against the oldest and last form of slavery to be formally abolished – the exploitation of nonhuman animals'.[34] Notwithstanding perceptible anthropocentric acculturated biases toward nonhumans, it does not however, I believe, strain credibility to draw parallels with the anti-slavery movement in discussion of the *moral case* for abolition *over* normative welfare within animal ethics.[35]

In addition, animal welfare regulation and legislation does not concern itself with the sole interests of the animal, but always has a normatively accepted economic basis. Economics in farming practice continue to 'trump' animal welfare, and so the 'incremental moral case' must be weakened by continued deference to economic trumps. Thirdly, and allied to this, is the concern that advocating incremental change merely plays into the hands of the 'abusers'. In the meat industry at large, diverse (but limited) animal welfare 'efficiencies' can make for greater profitability - as sales may rise if animal welfare is perceived to rise in the public consciousness. There is an incongruity here. Consumers wishing to purchase more ethically create greater demand, in turn leading to greater slaughter - whilst actual improvements in life conditions for the farmed animals remain habitually cursory at best.[36] Furthermore, in making provision for a 'kind' death for those who cannot either consent or dissent, the benefit would seem clearly not to be morally weighted in favour of the welfare of the farmed animal as the dialectic embedded in

[34] Steven Best and Richard Khan make this poignant point in 'Trial by Fire: The SHAC7, globalization, and the Future of Democracy' (2004), p.11.

[35] Marjorie Spiegel draws some thought-provoking comparisons between the treatment of animals and slavery in *The Dreaded Comparison* (1996).

[36] What I mean here is that some 'ethical' consumers, who may refrain from purchasing certain animal products and thus lessen demand for those products, now may feel ethically vindicated and resume consumption – thus increasing demand.

Level 3 type welfare (the proviso that we *kill with kindness*) makes animal exploitation both economically and socially acceptable.

If viewing animal welfare purely from an improvement of 'life conditions' for those sentient beings designated as livestock – the normative welfare approach - the term nevertheless remains problematic. For example, due to animal welfare 'improvements', battery chickens in the EU will by 2012 live out their lives (arguably their short and brutal lives) in an '*enriched*' 750 cm^2 confined space.[37] Despite this marginal welfare 'victory', realistically the animals will continue to live out their existence in what remains an extremely constricted space for full physical and psychological development for an intelligent sentient animal. Nonetheless, with such welfare 'gains' inevitably well publicised, the public consciousness at large is likely to perceive that the farmed animals now 'fare-well' - sales rise, consciences are appeased and more animals die. Indeed, it would seem reasonable for Joshua Frank to draw the conclusion that likely 'the greatest barrier to reform in the exploitation of animals for commercial purposes appears to be ignorance' (2004, p.5). To a point then – a point ostensibly drawn by economic constraints - the meat industry is willing to entertain limited welfare initiatives, but those who seek incremental welfare change unavoidably 'collude' with a powerful multi-billion dollar industry and potentially – perhaps inevitably - play into their powerful hands.[38]

Animal Welfare: 'Quality', 'Quantity', and the 'Flourishing Life'

This problem draws out an underlying question: is there then, given the fairly obvious difference in treatment and aims of the standardised view of 'best practice' animal welfare, a fundamental difference of kind that justifies our continued Level 3 practices to nonhumans? This is of course a mainstay enquiry of animal ethics at large and many argue important differences in each case. For example, a fully functioning human can perceive - through cognitive capacities such as imagination, visualisation and the internal processing of personal experiential evidence - his or

[37] The EU Hens Directive allows 'enriched' cages to be used. Under the directive, 'enriched' cages must be at least 45 cm. high and must provide each hen with at least 750 cm^2 of space; 600 cm^2 of this must be "usable area" – the other 150 cm^2 is for a nest-box. The cage must also contain litter, perches and "claw-shortening devices" (Compassion in World Farming, 2007).

[38] As discussed above, these are those organisations that are generally seeking 'eventual' abolition of overt animal use through gradual *piecemeal* change - exemplified in strategies adopted by organisations such as PETA in the USA and the RSPCA in the UK.

her impending and inescapable mortality, whereas the nonhuman (presumably) cannot do so in this way or to such an extent. However, that moral patients (and animals in human servitude manifestly fit this categorisation if we consider even a *minimal* duty of care warranted) in the 'care' of moral agents do not (arguably, cannot) 'suffer' the knowledge of their inevitable slaughter is, morally speaking, irrelevant (Frank, 2004, p.7). It is not a necessary condition of our having a duty of care towards moral patients that the patients themselves have awareness of their own situation – or, in the case of the farmed animal, their own eventual slaughter. We as moral agents can readily perceive of the dialectic embedded in Level 3 Harmful Discrimination, and therefore in continuing Level 3 assent to this form of normative animal welfare-based practices fail to take seriously the animal's fundamental interest in continued existence. The crucial point here is whether or not the doomed individual has knowledge of its demise (as in the case, for example, of the customarily condemned man) or it does not (as presumably in the case of the 'condemned' farmed animal) is that, again, it is irrelevant to the moral case. The argument that an animal caged from birth 'knows no better' denies, I believe, what it is to be a sentient being – namely, to possess a personal and fundamental interest in continued existence. In this way, the acceptance of Level 3 Harmful Discrimination toward other sentient beings insidiously further sets limits on our moral responsibilities owed to such moral patients in its 'quasi-schizophrenic' injunction to kill, but kill with kindness.

What then of quality of life over quantity? This is after all what the commonplace understanding of animal welfare purports to concern itself with primarily. We need firstly to clarify what we may mean by quality and quantity in the context of animals in human servitude. A view often posited as largely 'intuitive' in nature, argues ultimately that death simply is a *qualitatively* greater harm to humans than to nonhumans, and indeed if this case can be adequately deduced then the Level 3 proviso (that treatment must be carried out 'humanely', 'kindly' or with no 'unnecessary suffering') would perhaps seem reasonable.[39] This may however be straightforward speciesism.[40]

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[39] 'Intuitive' in the sense that this view constitutes the commonplace view and underpins much academic theory whilst not necessarily rigorously challenged as legitimate in and of itself.

[40] Coined by Richard Ryder, this term is intended here to be understood in its now widely used sense of discrimination towards nonhuman animals based upon a taken-for-granted assumption of

The forthright proposition is not without problematic aspects here regarding death as a qualitatively greater harm in this context. Firstly, death as a qualitatively greater harm is difficult to verify in any clear falsifiable way, and this raises a serious empirical problem for deduced analogous conclusion. How can I know if my companion dog does not enjoy her elemental 'dogness' - in her particular and unique way - as much as (or more?) than I enjoy my perceived humanity? As many of those who have shared periods of their lives with companion animals readily testify, cats and dogs for example certainly shows signs of having a fundamental interest in continued existence. My companion dog emphatically seems persistently cheerful on awaking each and every morning (displaying behaviours that indicate elation such as persistent tail-wagging and bodily gesticulations), and which given the weight of existential angst inflicting the human spirit, is by and large more than many humans can consistently assert (I certainly include myself here). As a minimum concession here, we should in all probability err on the side of giving the benefit of 'moral doubt' in this instance to nonhuman qualitative capacities (Dunayer, 2004). This is not to argue that human lives do not necessarily (normatively at least) possess greater complexity of thought and purpose. Rather, that a qualitatively 'greater' human life with respect to complexity of thought and purpose does not translate as readily as this so-called 'intuitive' view suggests to a qualitatively greater harm *at death.* At death, each sentient individual *quantitatively* loses precisely the same thing – everything. To argue for a qualitative 'sliding scale' with regard to cessation of being (as opposed to being here), is to ignore this quantitative dimension. Death is no respecter of persons – or, for the sake of this work, 'nonpersons'. The point here is that to the dog its own life is, in respect to cessation of such, 'everything' – in that it loses *from its own perspective* all of the richness that 'dogness' brings it. That the richness a human may (or may not) enjoy is seen as fulsome from a human perspective, does not then mean that the dog - from the dog's perspective - necessarily therefore loses less at death.[41] Regardless whether in fact a

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mankind's superiority. In this sense speciesism is deeply rooted, often subtle and frequently unquestioned - and the animal protectionist literature is not immune to the subtleties of its assumptions. For further critique see Richard D. Ryder, *Painism: A Modern Morality* (2001).

[41] I concede this to be a counter-intuitive notion at face value. Again, I do not refer to the 'richness' or lack of it *subjectively experienced in life*, but merely point out that from the perspective of the nonhuman, they lose at death all that they 'own' – namely, their own life. To adopt a sliding scale on our human preconceptions of 'worth' as a *subjective lived experience,* and

nonhuman's life *can* in some imagined way be proven to possess a single definitive qualitative difference with regard to death (and thus substantiate a quantitative distinction), this in no way equates to any automatic mandate for unequal moral consideration during life.

Secondly, if qualitative capacities are to be used as the benchmark for unequal inter-species moral treatment, then the palpable danger is that death (rather than life) viewed qualitatively may open up indirect qualitative questions in resolving intra-species (human to human) moral conflicts. If we are to concede that there are qualitative differences regarding mortality across individuals, then it may be legitimate to think of death as a greater harm to, for example, a more intelligent, healthy and gifted human being rather than the 'average' human being - or indeed more troublingly, the permanently brain damaged human being (Singer, 1993). Whilst this in itself does not amount to a clear rejection of the case for unequal consideration *per se*, again this is something likely to be intuitively morally repugnant to most.

Thirdly, the notion of qualitatively greater harm may maintain a dangerously *nonarbitrary* distinction between humans and nonhuman farmed animals and thus give a deduced reason for continued 'legitimate' abuse to nonhumans in human servitude (in the sense of Level 3 Harmful Discrimination). This is likely not the aim of those who would seek abolition of animal exploitation! Apart from the obvious implications here, no determinate single difference between individuals can justify *all* differences in treatment and, once again, irrespective of the doubtfulness of determining a clear nonarbitrary distinction, this would not rightly justify an automatic mandate for unequal moral consideration (Francione 1996).

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in order to conclusively deduce that a given sentient nonhuman life, *from the perspective of that subject-of-a-life,* is not experienced to be rich in the extreme would necessitate a full knowledge of 'other' minds - and in this case the problematic proposition of knowledge of the minds of 'other' nonhumans. What I am primarily suggesting here is that we should, at minimum, practice caution here in our presuppositions of loss. It is important to clarify however, that this assertion is not to make a blanket assumption that the *loss* involved in death is always perceived to be quantitatively equal. *From the perspective of a given life,* the 'degree' to which death seems to be a loss may well be argued to at least be partly subjective, and contextual in nature. I merely suggest that such differences are extant in life itself (experienced as 'less' or 'more' rich by comparison) and is a measure valid *whilst alive.* Notwithstanding, all such perceptions do of course 'end' at death - and there remains (short of notions of recourse to appeal on 'judgement day') no court of appeal over subjective petitions concerning the degree of loss incurred by a given individual once death takes place. In short, each ceases to exist, *equally.*

Where does this lead us? In his seminal work *The Case for Animal Rights,* Tom Regan sets out his 'subject-of-a-life' criterion.[42] If we are to better view some animals as *subjects-of-a-life* as Regan intriguingly suggests, how might this view fit with the inherent contradiction within Level 3 ascribed welfare in respect to animals in human servitude that demands kindliness and killing be taken as *mutually inclusive*? Sentient beings that are subject to the certainty of premature slaughter and whose lives are destined to serve our instrumental desires are not straightforwardly recognisable in this framework as *subjects-of-a-life* in the fullest sense. Indeed, given that their *raison d'être* is to be 'subject' to a (premature) death in order to fulfil their instrumental 'purpose', this notion would seem at best descriptively redundant. We may then more accurately define these unfortunate individuals not merely as subjects-of-a-life in Regan's sense (possessing the full attributes of sentience), but as *subjects-of-a-death* in a substantive sense (thwarted in full expression of these faculties by humans). Being mortal, we are all of course the subject-of-a-death at some point. However, if there is indeed a single applied functional difference in treatment between human beings and farmed beings, it is that none of us humans (normatively) have death preordained from birth by someone else with the express purpose of ending that life prematurely for instrumental purpose alone.

There is here an important distinction to be made between treatment and use. A recurrent problem for a welfare based approach is that it tends to myopically concern itself with the former, whilst largely ignoring the latter. Welfarism born of an acceptance of Level 3 Harmful Discrimination oddly seems not to seriously question the 'use' dimension in its moral deliberations, namely, the predetermined *bringing into being* of other highly intelligent sentient higher mammals with the sole aim of treating them instrumentally.[43] Questioning the very use of nonhuman animals for our instrumental ends is however certainly nothing new. In antiquity Theophrastus, a pupil of Aristotle, in condemning the practice of animal sacrifice as 'unholy' proposed that to kill an animal is unjust because it harms them by the mere fact of robbing

[42] Importantly here, Regan's criterion for being a subject-of-a-life is delimited to mentally normal mammals of a year or more. Tom Regan, (2004).

[43] In this chapter it is helpful to reiterate to the reader that am I of course concentrating primarily upon animals in human servitude that almost entirely consist of the 'passive' forms of higher sentient mammals. The case for our illegitimacy of treatment and use of non-domesticated animals is the subject matter of the subsequent chapter.

them of life.[44] Interestingly, this ancient notion nevertheless goes both beyond a contemporary utilitarian perspective encapsulated within the remit of animal liberation, and indeed beyond current UK legislation in recognising loss of life, and not just suffering, as a harm (Sorabji, 1993. P.176). What is it then that might be tangibly 'lost' in the quality of life of the animal in its being designated as a subject-of-a-death? Firstly, it is expedient to separate the idea of 'being alive' from 'having a life'. James Rachels in his comprehensive work on the moral implications of Darwinism sees the former as a notion of biology, the latter of biography (1990). Sentient life, to obviously varying degrees, possesses both attributes - and this raises a further problem for acceptance of the Level 3 stipulation. In qualifying what may, or may not, be appropriate treatment for those who may be 're-classified' as *subjects-of-a-death*, welfarism presupposes the legitimacy of use that unconsidered acceptance of the Level 3 dialectic engenders. Creating such *subjects-of-a-death* from demonstrably sentient beings we cease to take seriously *both* the biological (cessation of their being) and biographical (loss of their 'lives') aspects of their very existence, and in this sense farmed animals must fare not well, but 'ill'.[45]

Animal Welfare: 'Misdescribed' and 'Misplaced'

Discussion of what we may owe to sentient beings who possess the full attributes of biographical and biological lives raises an issue for our understanding of 'quantity' of life in this particular context. One important element of a flourishing life may in fact be a life span of a particular length, such that to kill a sentient animal is to actually prevent it from flourishing in its particular way. In short, that an animal will have a fundamental interest in individual continued existence, and if this is indeed fairly argued then to ignore this imperative is at minimum, morally questionable. In commonplace understanding of what may constitute welfare in human terms, the concept of longevity is manifestly linked to ideas of the flourishing life. This notion frequently trades as the 'good innings' claim. Some years ago my dear father died at the age of 78 and I recall a recurrent theme (many people consoled me with this argument): that as sad as his death was, he had ostensibly had a 'good innings' –

[44] Extracts from Theophrastus can be found in Porphyry's *De Abstinentia,* Books ii and iii (Nauck's 2nd ed., 1886).

[45] David Styzbel suggests that what we call 'animal welfare' in standard cases is in fact better described as 'animal Illfare' in 'Animal Rights Law: Fundamentalism versus Pragmatism' (2007).

living as he did to a 'ripe old age' of 78. Conversely, later that year I sadly attended the funeral of my nephew who died from a congenital disease at the age of 27. As one might expect the good innings consolation was not forthcoming, indeed quite the opposite rejoinder was encountered with heartfelt words like tragedy, waste and loss sincerely expressed. So, an implicit but tangible idea of a flourishing life conflated clearly with a notion of longevity in such an instance. As Joan Dunayer argues, there would not seem to be adequate reasoning why this normatively *taken-for-granted* notion of flourishing should not extend to other sentient beings, whom as sentient beings, in like manner possess a fundamental biological and biographical personal interest in continued independent existence (2004).

My point here is that the standard notion of animal welfare contents itself with the ending an animal's life very prematurely (and always under farming's cost based model) and thus ignores, in practice, this conventional interpretation of full flourishing. This normative notion, reserved for human (sentient) beings alone, furnishes the underlying impetus for the validation of Level 3 Harmful Discrimination, and lies at the very heart of welfarism's 'quasi-schizophrenic' acquiescence to the dialectical entreaty to kill, but kill with kindness. To kill with kindness is not necessarily self-contradictory of course. We may in certain situations choose to 'kill with kindness' to alleviate undue terminal suffering – for example in so-called 'mercy killing'. However, mercy killing is plainly not of the same moral order as killing an otherwise healthy young animal for solely instrumental gain (Simmons, 2007, pp.268-275).

Many would of course argue for a naturalistic account, contending that, in the 'scheme of things', most animals die violently in their early development variously through predation, adverse environmental factors, or 'natural' diseases.[46] To use an argument based on a conflation of longevity with the flourishing life is simply to deny the processes of natural selection - in all its moral 'indifference'. However, to argue for such a 'state of nature' position is to ignore the precise nature of farmed animals. Direct comparisons with so called 'wild' animals and our attitudes to predation, intervention and conflict resolution in this context is, I believe, invalid. Whether an animal flourishes in nature or not is morally irrelevant to our treatment of farmed

[46] See in particular Naess (1983, 1989) for a philosophical basis for a naturalistic approach to our obligations to nature at large.

animals. There is a clear distinction to be made between wild animals and farmed animals in this case, namely, we *bring into being* other sentient beings with the express aim of ending their lives prematurely for marginal preferences and questionable purpose. In modernity, fully functioning humans do not act upon either unfiltered instinct or rank necessity (in the arguable sense that some predatory species may), but rather we make conscious moral decisions in regard to our actions. Further, and perhaps more poignantly, the appeal to 'nature' denies in large part the arguably *defining quality* of human beings – that we are moral beings, and as such 'burdened' with inescapable moral agency.[47] To argue for the 'arbitrariness' of nature as considered rationale for purposeful foreshortening of sentient lives on an industrial scale is to confuse the processes of natural selection wrought through the prey/predator relationship, with meat production's decidedly 'unnatural' selection processes driven by largely economic factors. In this context the argument that it is 'natural' to rear and kill animals in order to eat them seems less convincing. Indeed, the meaning of the term 'natural' in any context is frequently obscure and value-laden. At best, it remains difficult to envisage the highly industrialised processes of factory farming, transportation and slaughter as in any way 'natural' in the commonplace usage of the term. Notwithstanding these observations, whether something is deemed 'natural' or not is, once again, irrelevant to its morality.

Given these very real obstacles, I want to suggest that within this framework our use of the term 'welfare' itself is not merely 'mis-described' (although I think it is - given that the language does not reflect the reality), but in the context of industrially farmed animals 'misplaced'. Simply put, there is something very different in our understanding of welfare's aims and means when applied to nonhuman sentient beings, and as when applied to human sentient beings. This is clearly exemplified in the case of the clause in Level 3 Harmful Discrimination that 'allows' for blatant instrumental use of the animal provided that the harm occasioned from this treatment be carried out 'humanely', 'kindly' or with no 'unnecessary suffering'. If, for the sake of current argument, our existing level of exploitation of animals is not morally justifiable, as Gary Francione argues, then promoting more 'humane' exploitation as a means to an end (eventual abolition, on the new welfarist view) becomes

[47] For extended discussion of the concept of moral agency in this sense see Nagel (1979), Collier (1999) and Warren (1997).

unacceptable as a matter of moral theory (2009). The disparity between human and nonhuman welfare aims is palpable here. Clearly, nobody would rightly propose that we campaign for 'respectful' rape (many farmed animals are routinely forcibly artificially inseminated), 'munificent' murder (farmed animals are violently and wilfully killed on a premeditated industrial scale), or more 'sensitive' slavery (farmed animals continue to be assigned the status of property) as a directed response to the problem of institutionalised abuse. Indeed these notions are intuitively mutually exclusive and rightly morally repugnant, due in large part to their essentially violent and inescapably abusive nature. 'Welfare' then, for an animal exploited and condemned from birth seems a problematic term in this case.

As exemplified by unconsidered acceptance of Level 3 Harmful Discrimination, at the very least the term 'animal welfare' itself has, in the context of industrially farmed animals, an embedded incongruity that brings into question the efficacy of the term 'animal welfare' to adequately describe our normative notions of protectionism toward animals in human servitude. Indeed, the term itself within the context of modern meat production may in truth be fairly designated as a misnomer. We need a new nomenclature, and 'Illfare Reduction' might better describe animal welfare practice and policy. That which Andrew Linzey calls the 'power of misdescription' is a potent human tool (2009). Through the tool of misdescription we describe here specifically the routine abuse of farmed sentient beings in terms of 'animal welfare', and in doing so we create an 'artificial' distance from the continued abuse. At minimum, acceptance of the tension between the Very Major Harmful Discrimination being carried out at Level 3 and the proviso *within* this level that this treatment be humane, kind and involve no 'unnecessary' suffering may, in practice, mean that calls for piecemeal improvement in the treatment of farmed sentient beings may be better understood as 'Illfare *Reducing',* rather than 'Welfare *Inducing'*.[48] Recognition of this reemphasis within animal ethics at large may be no bad thing. To reframe the language of abuse is to redefine the abuse. If 'Illfare Reduction' more accurately describes our attempts to alleviate suffering within modern meat production, then for that 'novel' class of beings – those defined and delimited from birth not as subjects-of-a-life, but as subjects-of-a-death - this shift in

[48] I envisage that effectively welfare and illfare can therefore to be viewed as separate scales, rather than matters of degree on the 'same' scale.

emphasis may have authentic benefits and begin to foment in the public consciousness a redefinition of our relationship to farmed sentient beings.[49] Francione aptly sums up the central problem for a welfarist approach:

> 'A movement's ends should define its means. If the goal is abolition, animal welfare is a means not fitted to that goal either as a matter of moral theory or of practical strategy. As a moral matter, animal welfare assumes and reinforces the notion that animals are commodities with only extrinsic or conditional value. As a practical matter, animal welfare provides almost no benefit to animals and only makes exploitation more efficient for producers at the same time that it makes animal users more comfortable about exploiting nonhumans' (2008, p.127).

2.4 Beyond animal ethics

If 'well intentioned' welfare initiatives towards domesticated animals in human servitude are arguably misdescribed and misplaced, how might we then assess our moral obligations to beings that fall outside of this delimitation? It is to this question that the mainstay of discussion in the subsequent chapter turns. Nonetheless, if we 'wrong' the domesticated animals that form a shared (although limited) community with us, as a prerequisite task, how we may characterise what 'classes' of being can, in meaningful terms, be morally 'wronged' firstly needs to be clarified. Matthew Talbert in his critique of T M Scanlon's contracturalist moral theory draws upon Scanlon's five characterisations of the possible set of beings that can be morally wronged ('wronging' on Scanlon's interpretation is principally denoted by an inability to justify an action towards the conscious individual that is affected by that action):

1. 'The beings (or entities) for which things can go better or worse.
2. The beings in the first group who are conscious.
3. The beings in the second group who are capable of judging things as better or worse and are capable of forming attitudes on the basis of these judgments (i.e., are capable of forming 'judgment-sensitive attitudes').
4. The beings in the third group capable of making specifically moral judgments.

[49] This does of course constitute the very lifeblood to the contemporary animal ethics debate, the contested nature of which is an integral part of the polemic. These themes are revisited in chapter 6 in discussion of welfarism and a biocentric approach.

5. The beings in the fourth group with whom it is to our advantage to enter into a relation of mutual restraint and cooperation'.[50]

In this framework group 1 can clearly be seen to potentially include just about anything - from sentient beings to ecosystems (in the sense that ecosystemic balance can tip either towards holistic' health' or 'ill health', and thus can in this limited meaning be 'wronged'). The remit of group 2 dismisses these sorts of entities in its insistence on consciousness. Group 3 further delimits its sphere of inclusiveness to more subtle distinctions – those beings capable of judging things as better or worse and forming judgement-perceptive attitudes from this capability. From a straightforward reading, groups 4 and 5 would seem to infer characteristics that, for many, would suggest an exclusively human membership. Scanlon's criteria for categorising who or what can be morally wronged, whilst seemingly forming a logical basis for determining the sorts of primary characterisations of the set of beings that can be morally wronged, are however not without problems.

As Talbert points out, the division between the sorts of beings that can be wronged and those we cannot wrong, would then seem to lay in the range between groups 2 and 4 (1998, p.204). The actual boundary for making decisions – whether these are judgment-perceptive orientated, or what passes as full-blown value-laden moral judgements - would, on this schema, not necessarily exclude category 2 and 3 beings out of hand. Simply put, excluding 'conscious' beings form capacities of judgement-perception or indeed 'moral' deliberation is fraught with substantive problems of the delimitations of consciousness in various possessors, and of defining and determining what precisely is meant by consciousness and its metaphysical implications. The boundaries between these groups is, then, not as clear-cut as a perfunctory reading would suggest. Given that most humans on a demonstrably cursory interpretation would envisage themselves in groups 4 or/and 5, the blurring of the boundaries between 2 and 3 present difficulties for a forthright determination of the characterisations of the set of beings that can be morally wronged. In short, without determining what in fact consciousness foments in individual animals (group 2 criterion) or indeed where the substantive difference lies between judgement-sensitive attitudes (group 3 criterion) and specifically moral

[50] Cited in Talbert, 'Our Duties to Nonhuman Animals' (2006). See also Scanlon's *What We Owe to Each Other* (1998).

judgements (group 4 criterion), the usefulness of such a set of characterisations is brought into question. More pointedly for the emphases of this work is that these kinds of questions over the quantifiable 'precision' of the sorts of category delimitations that Scanlon presents again bring into question the efficacy of any attempt to quantify 'difference' in morally prescriptive terms (namely, that the boundaries are 'manufactured' - and more accurately, in practice, represent a sliding scale rather than any prescriptive formulae).

Animal welfare, or the animal's welfare?

In considering the fundamental and embedded 'theory to practice' asymmetry within animal husbandry, an underlying problem for animal advocacy that permeates both the theoretical debate and animal protectionist policy emerges. It seems that much of the inconsistency and discontinuity in our actual dealings with other sentient species tends to be based, in practice, upon the perceived 'practical' considerations rather than convoluted theoretical concerns. In short, the gulf between animal advocacy theory and protectionist practice is forged not necessarily in an outright rejection of the theoretical validity of any particular form of animal 'rights', but rather in deference to the more pedestrian *expediencies* of 'practical' concerns. This straightforward observation is at first somewhat obvious – and even for those who would support modern farming practices a perfunctory exploration of factory farming procedures is all that is needed to convince that animal welfare practice consistently falls short of the 'ideals' of mainstream contemporary animal advocacy theory (Singer, 2000). I believe that at the heart of the dichotomy is not merely a reluctance to change our practices and the way in which we view our place in nature (although no small task), but rather has provenance in a theoretical failure in the animal advocacy literature and debate at large to come to terms with *death itself as (the greatest) harm.*

As we have discussed thus far, within the animal advocacy debate there are diverse positions regarding the importance of death itself as a harm.[51] For example, a consistent argument that Tom Regan forwards against utilitarianism is, put quite

[51] Henceforth I will hyphenate the term in order to distinguish it as a pivotal phrase throughout this work. Presenting the concept of d*eath-as-a-harm* in phrase form can, I believe, more readily give terminological credence and technical poignancy to my underlying contentions in this thesis.

simply, that a strict utilitarian view makes killing *too* easy.[52] If the 'utility' gained by the ending of an individual's life outweighs the utility lost, the killing of an animal (or indeed an 'innocent' person, on a strict interpretation) is warranted. There are however, some very good *practical* reasons for wanting to avoid killing regardless of any perceived theoretical (and/or real) net gain. There is firstly the ever-present problem of uncertainty. In attempting to assess 'right' decisions based upon future benefits or gains any deliberation unavoidably comes up against the simple fact that future outcomes are virtually never assessable with any degree of certainty. An obvious problem with this is not just that such decisions are based upon effectively nothing other than the 'likelihood' of events happening in a certain manner, but more troublingly the fact that if those events turn out very different from our assessment of them, killing 'now' for a supposed benefit later may be difficult to justify as a practical matter.

A second problem faced by those who find strict utilitarian calculus troublesome is that in practical terms any decisions will always involve a decision-maker.[53] The decision maker is, needless to say, human and as such encapsulates propensities for error, bias and corruption and arguably is hardly in an 'infallible' position to determine (and in fact 'predetermine' in the case of animal advocacy) the weighting of the scales of cost/benefit calculus. The pragmatic concern arising from this inevitable fallibility is that practical decisions of life and death import - in anyone's hands - may be unacceptable because of the possibility (probability?) of mistakes or abuse of authority. Joshua Frank cites the death penalty debate to make this point, observing that commonly opponents of the death penalty use these lines of reasoning, arguing that even if killing is considered justified if all the facts are known, there is a 'human error and inherent uncertainty factor' that may lead (and

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[52] I admittedly merely adumbrate what are by now familiar criticisms of utilitarianism in its broadest sense. The minutiae and convoluted nuances of the ongoing deontological/utilitarianism debate is not helpfully addressed here, see Scheffler *The Rejection of Consequentialism* (1982), for a seminal critique of the recurrent debate. However, it is noteworthy that in arguing these sorts of rejections here, the fact that it is other species that are under consideration (and the difficulty of knowing what may in fact constitute their preferences) only serves to contextually compound these sorts of arguments. I consider here only their effect upon practical considerations in animal husbandry.

[53] Marti Kheel (2008) explores this problem from a feminist perspective, arguing that it is not merely the fact that humans are fallible, but also likely patriarchal, hierarchical and deeply biased in an over reliance on the role of 'rationality' in ethical deliberation in assessing our obligations to nonhuman nature.

likely does occasionally lead) to innocent people being sentenced to death (2002, p.50). In addition such utility-based mortal decisions may become routinely allowed and fall prey to the 'slippery slope' argument when applied in more questionable circumstances.[54] In sum then, much of the normative opposition to killing for net utility gains is not centred upon convoluted theoretical divergence, but more often is grounded in more pragmatic and practical considerations.

This is not to suggest that a strict individualistic theoretical stance is necessarily without difficulty in its treatment of death-as-a-harm. Indeed, my contention in this thesis is that the theoretical grounding of animal advocacy at large struggles with the concept of death-as-a-harm irrespective of its meta-ethical underpinnings, and that in its turn this theoretical failure has had profound effect upon wider animal protectionist policy and practice. Under scrutiny, an individualistically rights-based approach must at some point resort to some form of utilitarian calculus (or at least an eclectic consequentialism) in order to maintain consistency and coherence. As touched upon in chapter one, Regan uses various mechanisms to attempt to adequately address this issue of death-as-a-harm. For example, in formulating his principle of respect, Regan simultaneously seeks to defend the individual's right not to receive inordinate harm merely in order to ensure many individuals receive a 'smaller' benefit, whilst concurrently maintaining that harming two people is worse than harming one (if the harm is deemed equivalent).[55] It is again upon the thorny question of direct conflict of interests between individuals or groups that key elements of animal advocacy theory frequently flounder. In response, Regan conceives his 'worse-off' principle and posits that in situations where some choice necessarily must be made between typically two actions that will both cause harm, the 'greatest' harm to an individual should always be avoided. It is only when the harms are equivalent that consideration of the numbers of individuals receiving the (same) harm must be taken into account. There are again here some well rehearsed objections. In essence, much like the 'uncertainty' embedded in a strict utilitarian view, Regan's presumptive logic is troubling. Clearly, there is inherent

[54] The slippery slope argument is the idea that a relatively small first step leads to a chain of related events culminating in some significant effect. Such an argument can therefore lead to *reductio ad absurdum* forms. As a general observation here, it does not necessarily follow however that a slippery slope may not have embedded stops and checks, and for consistency such a view needs to prove that no such stops and checks exist.

[55] See Regan (2004), pp.195-231 for a critique of direct duty views.

ambiguity in determining when harms are in fact 'equal', or when a given harm is greater or lesser. Moreover, as Regan concedes, individuals may in fact feel and experience harm in different ways, and possess lesser or greater sensitivity to harm – all of which, I suggest, cannot be readily assessed by prescriptive formulae.

In Regan's formulation, ethical treatment is discretely based upon 'category' rather than formulaic weighting – for example, his subject-of-a-life category, over strict utilitarian calculus. However, Regan's categories are nevertheless treated *distinctly,* and therefore unavoidably introduce categorical bias into its determinations when confronted with the aforementioned human/animal direct conflict of interest situations. A rights-based system with these kinds of discrete categories of harm, raises the problem of how such a framework may coherently include uncertainty - and in this respect, the problem of uncertainty pertains not merely to utilitarianism as discussed above. Although it is certainly true that no ethical theory can take into account every complexity of outcome and unforeseen circumstance, uncertainty is likely endemic to all 'real' ethical dilemmas. In practice then, when confronting such ethical dilemmas, most contemporary animal advocacy frameworks seem to fall short of providing thoroughgoing and decisive guidance on instances of direct conflict in respect to the issue of death as a harm.[56]

Conclusion

In this chapter I have discussed domesticated nonhuman animals in the context of an animal welfarist position, and considered the ways in which an abolitionist animal rights-based view differs. I then went on to question the efficacy of its central aims both in the context of theory to practice asymmetries and its application to wider animal advocacy. The dominant strands in animal ethical theory were explored prior to an analysis of the one-dimensionality of animal ethical theory in terms of its aspirations and possible intersections. I then moved on to discuss a defining example of such an 'intersection' within animal advocacy - that between animal welfare ethical theory and actual animal welfare practice within contemporary animal husbandry. This was presented in the context of a pivotal problem for a welfarist

[56] Of course, theory to practice asymmetries lie at the very heart of animal ethics – which in the final analysis attempts to provide workable ethical guidelines for 'real' world *life and death* situations and not merely metaphysical ontological explorations or convoluted academic conundrums.

approach: that of death itself as a harm – which, I maintained, arises from a fundamental and embedded 'theory to practice asymmetry'. Subsequently, I argued that the designation 'animal welfare' as used in animal husbandry practice is both misplaced and misdescribed. I introduced the idea that the term animal 'illfare' more accurately describes our attempts to alleviate suffering within modern meat production, and suggested that calls for piecemeal improvement in the treatment of farmed sentient beings may be better understood as 'Illfare Reducing', rather than 'Welfare Inducing'. By way of introduction to the wider themes tackled in chapter three, I concluded by moving 'Beyond animal ethics' in an preliminary exploration of our moral obligations to beings that fall outside of a strictly domesticated delimitation, arguing that *death itself is a harm* – and a concept that contemporary animal advocacy fails to fully acknowledge .

If indeed the extant contemporary discourse *within* the animal ethics debate seems to inadequately address death-as-a-harm and provide us with limited conclusive guidance on interspecies ethical dilemmas, it is unsurprising then that the grounding and aims of wider animal advocacy seem largely to fail to formulate policy and practice that gives clear credence to death-as-a-harm, and adequately inform upon our moral obligations to both domestic and wild animals. Notwithstanding the problems of welfarism and the inadequacies of theory to practice inconsistencies, for a great many people it remains accepted moral principle that to inflict 'unnecessary' pain and suffering on individual nonhuman animals is to commit a morally wrong action. Likewise, many of the same individuals who feel this to be the case would concomitantly consider it morally reprehensible to bring about the extinction of a whole species – a theme discussed at length in chapter four. However, while both kinds of action seem immoral, it is, as Alan Carter observes, 'far from certain that any widely accepted moral theory would actually consider both sorts of action to be morally wrong' (2000, p.3).

The general point being alluded to here is that moral theories that focus moral concern on the individual are frequently silent on things like species loss, and conversely moral theories that have their foci of moral attention upon issues such as species and ecosystemic integrity are equally silent on individual suffering. Can we then make sense of this apparent incongruity? Must we be either committed to opposing individual suffering and 'diminish' the import of environmental integrity (the

normative animal protectionist view exemplified in much animal welfare and rights advocacy), or value environmental integrity and be largely indifferent to individual suffering (the normative environmental ethical view exemplified in much conservation policy and practice)? The embedded theory to practice asymmetries that arise from these diverse and seemingly incompatible theoretical groundings forms the basis for the central arguments of the remainder of this work. I begin this project in the next chapter, exploring how these sorts of theoretical perplexities and inadequacies have, I believe, damaged the wider project of animal advocacy in broader terms. Starting with 'Paternalism and Animals', I move on from the discussion of animals in human servitude explored in this chapter and broaden the animal advocacy discourse in questioning the ethical validity of much conservation theory and practice in the light of its problematic theoretical grounding.

3. Paternalism and Animals: Protectionism and Environmental Ethics

> Humans are not husbands of nature, and nature is not our wife. Animal husbandry is long overdue for divorce. Kheel, *Nature Ethics: An Ecofeminist Perspective.*[1]

In chapters one and two discussion focused primarily upon contemporary animal advocacy and explored the aims, virtues and vices of mainstream ethical thought within the arena of the animal rights debate. To date then, discussion has concentrated in large part upon theory and practice in relation to domesticated animals – those that I classified as 'animals in human servitude'. This of course is a wide-ranging group and often includes what may be defined as 'semi-domesticated' animals such as deer in deer parks, or semi-domesticated so-called 'wild' ponies. The contemporary animal rights debate tends to predominately focus its attention on this category of animal (although by no means exclusively of course).[2] The arguments presented in this chapter 'broaden' the remit of animal advocacy in its normative sense, in questioning the ethical validity of much conservation theory and practice in the light of the theoretical grounding arising from the animal ethics debate. The focus here therefore is primarily upon 'wild' animals and how elements of the preconceptions inherent in animal ethics theory impact upon, and inform upon, wider animal advocacy.

Few would argue against the assertion that the direct and indirect impact on nature at large from human activity has been, and continues to be, immeasurable. If, on the rights-based view, we hold as a general principle that wild animals in the main do not need direct 'help' from us in their fight for survival, what is less clear is how we variously define the term 'help'. Contemporaneously, it is the interpretation of this pragmatic and persistent question that frequently forms the axiological schism

[1] Marti Kheel makes this pithy remark in *Nature Ethics: An Ecofeminist Perspective* (2008), p. 231.
[2] All of the main animal protectionist organisations call for protection of animals that may of course be designated both as 'domestic' or 'wild'. Welfare campaigns may however take different forms in attempting to protect different animals. For example, campaigns by PETA against factory farming of domesticated livestock necessarily have a different focus to their campaign to stop seal hunting.

between interventionist and noninterventionist policy and practice. It seems to me that much of the debate here turns upon the legitimacy or illegitimacy of 'paternalism' in our dealings with nonhuman animals.[3] In a more general sense, paternalism tends to take as a starting point the presumption that what individuals may be interested *in*, is not always *in* their interest. Asserting that individuals, for various reasons, are not always able to ascertain what it is that is in their 'best' interests.

Aside from the possibility of a duty of care, for example, to the severely mentally incapacitated, the very young and those deemed medically no longer able to function as autonomous persons, the uncontested legitimacy of such a broad-brush presumption when applied to otherwise competent adults is, I believe, highly questionable. It is of course conceded that it may be that some actions and habitual behaviours are indeed 'bad' for us in the long, medium or short term, such as those medically proven to cause harm to the individual or individuals. Arguably, human autonomy *in itself* is of value to individual concepts of self and self-development, not least in the 'right' to choose the 'wrong' for ourselves. Notwithstanding, the issues around what constitutes autonomy, freedom and our subsequent obligations and duties to others are complex, and I do not wish to enter into the finer points of debate on human autonomy here.[4] However, what is of concern to specific arguments at this juncture, and in turn to the wider themes of this chapter, is how we may define and understand paternalism as applied to nonhuman species - what I would like to term 'Interspecies Paternalism'. There are problems in identifying the 'real' interests of *any* individual or group, and the problems are made all the more poignant and difficult if trying to assess the interests of nonhumans. Aside from the obvious difficulty that it is not merely the needs, wants and desires of the 'other' that we are trying to identify, there is the stark fact that the 'other' we are attempting to understand is not even of the same species. A further complication, and a central enquiry in this chapter, is identifying those who are deemed 'able' to perceive the so-

[3] Clearly, I use the term 'paternalism' outside of its general usage. I contend however that the sorts of overt presuppositions regarding notions of stewardship and *selective* protectionism that inform upon our relationships with 'wild' nonhumans may rightly be designated as openly paternalistic in character. See Glossary for further definition. See also chapter 6.2 of this work for exploration of the practical dimensions of selective forms of paternalism.

[4] Some useful references for further reading on these themes see, Richard Flathman, *Freedom and its Conditions: Discipline, Autonomy and Resistance* (2003); R.G. Frey and Christopher Wellman, *A Companion to Applied Ethics* (2005); James Sterba, *Morality in Practice* (2004) and Katrin Flikschuh, *Freedom* (2007).

called *real* interspecies interests of individuals or groups. This presents to us a twofold question that I want to explore here: can we, in any meaningful sense, act 'paternalistically' toward nonhuman animals; and if so, is it always (or ever) legitimate to do so?

3.1 Stewardship and moral obligations

A paradigmatic problem for animal advocates, and for many who would ascribe to green credentials in general is how – given its individually centred ethic – the animal rights-based position may provide a credible basis for our 'obligations' to systemic environmental management, preservation of ecosystems and conservation of endangered species.[5] If any sense is to be made of such a question, this category of enquiry must presuppose an implicit acceptance of some form of 'obligation' to the nonhuman world. Ideas of obligation and duties to others of course can take many forms other than general *prima facie* duties of kindness, fairness, or beneficence. In a wider sense, within the human sphere, if we are to acknowledge the uncontroversial proposition that there exist meaningful incumbent duties to one another - which evidentially in our daily interactions exist in diverse manner *indirectly* independent of formal frameworks of justice – then it is at least plausible that 'comparative' kinds of obligations and duties of 'care' will be occasioned in our interrelations with nonhuman animals. Indeed, arguably, the whole point of moral obligations is that they do not disappear if we *stop caring* about those to whom we owe obligations. Obligations are then, by definition, not dependent on how much something matters to us, but rather if they engender a duty of care (Carter, 1999, p.286).

[5] The distinction (although frequently blurred in practice) between conservation and preservation should be made explicit at this point. Conservation in normative terms means saving the present for future 'use', whereas preservation nominally refers to protection from both present and future use. It is not therefore obvious that standard conservationism reflects a credible moral position in its 'use-value' orientated determination. By 'moral position' here I refer to a general disposition to take the standpoint of nonhumans, and attempt to look at the world from the perspective of their 'good'.

The virtues of stewardship

This duty of care is normatively worked out within environmental ethics in the form of nonanthropocentric theories of value, that variously construct theories of value that strive to make preservation of the natural world morally obligatory.[6] Although of course the theories are divergent in nature, as Jennifer Welchman points out, 'The ecocentric, biocentric, deep ecological, and related theories produced vary in their normative content but generally coincide with an 'externalist' view of the relation of moral considerations to our motivation to act upon them' (1999, p.411). By 'externalist' here Welchman is simply observing that such considerations agree that we will be motivated to comply with a moral framework if it can be shown to be justified by a defensible moral theory, and it is in this sense that externalists seek to develop defensible *nonanthropocentric* normative challenges. In contrast, 'internalists' hold that 'theoretical justifications will not motivate an agent to act independent of interest, wants, or needs internal to the agents character whose satisfaction depends upon realising the objectives of a given theory' (1999, p.412). For many environmentalists, internalist theories give us little more than an enlightened anthropocentrism; of course an enlightened anthropocentrism may in fact be arguably sufficient to engender 'effective' stewardship of nature.[7]

This observation however, presents a serious challenge to environmental theory and practice in regard to our conceptions of the stewardship of the nonhuman world. If in fact, as the internalists claim, even the most rigorous and consistent argument will not motivate individuals (or groups, and even societies) to act upon values that they 'care' little about, then external arguments do not carry the weight of persuasion that their exactitude supposes. This is of course not merely a problem for environmental and animal ethics, there are those whom remain in principle (and practice) ostensibly unconvinced by universal human rights, equality and justice.

[6] Some pivotal readings on the diverse theories are Holmes Rolston III, 'Environmental Ethics: Values in and Duties to the Natural World' (1991); Arne Naess, 'The Deep Ecological Movement: Some Philosophical Aspects (1983); Paul Taylor's *Respect for Nature: A Theory of Environmental Ethics* (1986); Eric Katz, *Nature as Subject: Human Obligation and Natural Community* (1997) ; and J. Baird Callicott's seminal work, *In Defense of the Land Ethic: Essays in Environmental Philosophy* (1989).

[7] This is a cursory definition of a convoluted theme in order to distinguish important frameworks. Welchman herself suggests further reading in John Robertson and Michael Stocker's 'Externalism and Internalism', (1992), pp.352-54.

Moreover, if an enlightened anthropocentrism *could* provide a sufficient stewardship doctrine, what then might be gained by adopting an externalist position? I do not wish to provide a protracted critique of the merits and demerits of internalist and externalist positions here, but it is noteworthy that this question draws out a key observation regarding a recurrent theme throughout this work: namely, our presumption of the legitimacy of animal 'use'. In this context the *legitimacy of use* must necessarily be a precursory and foundational 'belief' enabling protectionist policies. What I mean here, is that in order to theorise upon and subsequently develop *any* conservation or preservation strategy towards nonhumans, a prerequisite presumption of the *legitimacy* of human interventionist policy (a right to 'use' nonhumans in the ways we see fit) is necessary. Despite the professed motivation to intervene for the 'good' of nonhuman animals and ecosystems, carried with our good intentions is a frequently 'unquestioned' paternalism that is bolstered by this very presupposition of use. My point here is simply to state that whether we consider our interventionist actions to be borne of a form of enlightened anthropocentrism, or one engendered by a thoroughgoing externalist ethical theory, neither position critically challenges this underlying presumption of the legitimacy of actual use. All of this is not to suggest an absolutist embargo on all use of nonhumans (companion animals are a case in point, the legitimacy of which is lately hotly debated within animal ethics),[8] but to draw attention to the fact that the presumption of use (here in the context of stewardship) is not seriously questioned within normative ethics, and indeed within a good deal of environmental ethical discourse. Can a paternalism based upon these sorts of presumptions of legitimacy nevertheless be seen as *reasonable duty of care* towards the nonhuman world?

Paternalism, or a reasonable duty of care?

The term paternalism itself has come to have various connotations beyond a straightforward sense of *paternus* - as one relating directly to fatherly care. In contemporary association the term frequently takes on an overtone of authoritarianism, and habitually not the fatherly 'care' intimated at in its root form. This manner habitually results in those in authority making decisions for others that

[8] See in particular Joan Dunayer's provocative discussion of the problem of companion animals for an animal rights view in *Speciesism* (2004).

may be beneficial, but which effectively prevent those people from taking responsibility for aspects of their own lives. Commonly of course, this authority takes the form of state power, but can pertain to many forms of power relationships.[9] In order to illustrate this divergence, if we firstly take the example of fatherly care, one imagines such care to be built upon strong natural affections and an unswerving desire for the well-being of the young child. In the parent/child relationship there are, arising from these desires, implicit parental duties of care to the young child in the reasonable presumption that the minor does not yet have the life experience and developmental capacity to necessarily assess the full implications of his or her actions. Such a presumption would seem uncontroversial. Nevertheless, in acting this way, adults can and frequently do thwart the immediate desires of the young child – as many a supermarket checkout tantrum demonstrates. It would seem that the young child, even if lacking in formed concepts of its medium and long term overall good, nevertheless clearly has desires – albeit quite possibly erroneous on the adult account. In this sense then, when the parent acts in denying the child the full array of tempting goods on offer at the checkout, the parent may be said to be acting in a *genuinely* paternalistic way (that may variously encompass longer term health concerns, concepts of what good parenting may entail, or merely exercising thrifty budgetary management). Regan outlines a useful set of 'sufficient' conditions to illuminate on this general idea of a 'genuine' paternalism:

> 'An act by an individual (A) is paternalistic if A intervenes in the life of another individual (S) and the following conditions are satisfied.
> a) A knows that S has a particular preference;
> b) A knows that S has the capacity to act in a way that S believes will bring about the satisfaction of his (S's) preference;
> c) A knows that, unless prevented, S will act in the way S believes will bring about the satisfaction of his preference;
> d) A knows that S's acting in this way will bring about results that are detrimental to S's welfare; and
> e) A intervenes to prevent S from acting as S would choose to act, if not prevented by A, in the belief that such intervention is for S's own good and out of concern for S's good' (2004. p.107).

[9] See Murray Bookchin (1986, 1989) for a thoroughgoing eco-anarchic critique of this form of paternalism.

So, given these conditions, what about the nonhuman mammalian animal of a year or more?[10] Are we to say that they are in much the same position as the young child, and therefore it follows that it is legitimate to act in this genuinely paternalistic way toward them on much the same premise? I think both yes and no: this to large degree is dependent upon the relationship (if any) that the animal has with the human. It would, I feel, be nonsensical to envisage, for example, the relationship between a companion dog and its human 'owners' as anything other than paternalistic in nature. Presuming a genuine affection and concern for the well-being of the animal, the companion dog/owner relationship is indeed defined by paternalistic feelings and deeds (we decide on what is best for our 'pets' based on our best evidence). It is however, much like the example of a father and child relationship, a matter of how we define paternalism in this specific interspecies case. Leaving aside for the time being the question of the validity of 'ownership' of animals in a broader sense, and moral questions arising from our relationship to other animals - which will be discussed in more detail in chapter five, I feel that the domesticated companion animal relationship (with some animals at least), is in this important respect, qualitatively different from our relationship with 'wild' animals.

A great many domesticated animals would, if suddenly 'set free', find themselves psychologically, experientially, and often physically unable to adequately survive without the developed reciprocal relationship that both owner and companion animal enjoy.[11] This is not to justify a 'selective' paternalism here and thus depart from a general individualistically-based stance in our dealings with nature at large, but to recognize that there exist limited 'qualitative' differences in our relationship with disparate parts of the nonhuman world. After all, the fact that dogs seem to 'willingly' admit of surrogate human pack leaders does not *in itself* justify a 'natural' paternalistic attitude (being routinely separated from their mother and siblings at 8 weeks in order to be 'integrated' into human society, they have little 'choice' in the

[10] Regan sets his subject-of-a-life criterion upon this delimitation, see chapter 1.1 for further clarification.

[11] This is not to align myself, for example, to the argument that modern farming practices should continue, as to 'free' the farmed animals would result in their slow death. Many of the animals that are farmed are in fact not 'bred' that far from the wild type and given the space and opportunity may well thrive (at least within a few generations). However, many dogs for example are appallingly over-bred and likely many would lack the strength or acumen to immediately fend for themselves.

matter). However, on balance, the often deeply intimate and reciprocal form of relationship between the human and nonhuman that develops is, I submit, of a different order to the sort of overt 'instrumental' exploitation that, sadly, categorizes most other forms of relationship between human beings and other animals. In this more intimate sense this 'special' relationship can legitimately be termed as *genuine* – at least in intent and purpose - in that the 'rights' of the animal can remain largely respected. One could of course cite the 'right to freedom to live as 'nature intended', but this reductive view is difficult to both define (what *does* nature 'intend?'), and justify (certainly in the case of the very long history of domestication and selective breeding of certain animals). After all, the domesticated 'pet' animal has numerous opportunities to 'escape,' and is free to run away from the relationship if the animal so chooses. Ultimately however, I believe that what makes this 'limited' form of paternalism justified is that the relationship that the owner and companion animal enjoy is more clearly seen to be *mutually supportive* – and at its best, largely based on trust, loyalty, and indeed reciprocal love.[12] It is worth clarifying a point here however: the paternalism inherent within the reciprocal, intimate and mutually supportive relationship between companion animal and owner - as I expound it here at least – is the *only* form of paternalism that my interpretation of the rights-based view tentatively allows. There are of course animal rights advocates who question even this limited form of paternalism as morally valid.[13]

To intervene, or not to intervene?

However, what we may 'owe' in obligations and duties to moral agents are, in a strict interpretation of a rights-based view, not similarly 'owed' to moral patients. To illustrate this point, Regan gives the example of a lion stalking a young child (2004, xxxvi). If we act with an assumed *prima facie* duty to intervene (I trust most would agree this *prima facie* duty in this instance), and with minimal intervention we

[12] Whilst there cannot be an absolute 'authentic' knowledge of animal preferences and state of being, our best guess based upon our understanding of animal behaviours ('communicating' cheerfulness through tail-wagging and other demonstrative positive behaviours for example) I believe validates this experientially determined conjecture. Additionally, I do not wish here however to suggest that *all* companion animal/owner relationships are mutually supportive.

[13] In particular, Joan Dunayer makes the case that despite the mutual reciprocity engendered by the companion animal/human relationship, the animal nevertheless does not have an effective 'choice' in the matter, is dependent on the whims or wishes of its owner, and even in 'good' relationships has a legal status of mere 'property', see *Speciesism* (2004).

manage to frighten the lion away, the child may be saved. Since the lion is not a moral agent (in the sense discussed in chapter one) then according to the rights view, no violation of rights has taken place in frightening away the lion. Regan further asks us to imagine that the lion is not now stalking a child, but a wildebeest. The same option for intervention is clearly still available to us, so should we intervene to 'save' the unfortunate animal? Regan answers – correctly I think – in the negative. The difference between the human child and the wildebeest in Regan's example is perceptible in that the young child does not possess this same degree of competence in this situation. When pitted against the considerable skills of an efficient predator such as a lion the child plainly does not possess the competencies to escape death and if we omit a swift intervention in this case, we not only 'allow' the child to fall victim, but in our omission also cease to recognize the young child's *lack* of competence. In short, there are *qualitative* differences in acknowledging assistance to this human being in this situation, and acknowledging the general competency of wild animals to use the skills at their disposal to survive.[14]

However, as has been remarked by some philosophers,[15] if we are called upon to protect the rights of the human in this context, then something is amiss if we then refuse to protect the 'rights' of the 'prey' animal. As can be imagined, if such interventionist policy is fully embraced as legitimate, this presumption to act against predatory animals would effectively instigate a mass culling of predatory species, and in point of fact would mean the eradication of all predatory animals in favour of the ungulates. This is clearly not the intent of a 'hands-off' animal rights-based view as presented here. This criticism – apart from extrapolating a specific case to the general – I believe overlooks the distinction between moral agents and moral patients; indeed a rights-based view, rather than advocating mass intervention, would in matters of our obligations to 'wild' animals support as a *general* guideline a

[14] And this would, I submit, include the 'competency' of an *immature animal* also to develop the necessary skills to evade predation. The savannah is home to the immature wildebeest, and it needs to develop its evasion strategies or perish; it is clearly not 'home' to the young child in the same sense.

[15] In attempts to reject the theory of animal rights on an 'absurdity' basis, Roger Scruton has argued *that 'Any law which compelled a person to respect the rights of non-human species would weight so heavily on the predators as to drive them to extinction in a short while'* in *Animal Rights and Wrongs* (1996), p. 60. See also Mark Sagoff, Animal liberation and environmental ethics: bad marriage, quick divorce (1984). Also, Richard Posner 'Animal Rights: legal, philosophical and pragmatic perspectives' in C. Sunstein and M. Nussbaum (eds.), *Animal Rights: Current Debates and New Directions* (2004).

policy of nonintervention. As regards to wild animals in a broad sense, the rights view, as I present it here, would advance an obligation to recognize the inherent natural competency of prey and predator individuals and groups to 'manage' their own lives, in their own ways. It is nothing short of evolutionary fact that all species extant today have, over a large expanse of time, evolved proficient competencies that help ensure their survival within their evolutionary niches and territorial domains.

In subordinating wild animals to our purposes, at the very least there is an infringement upon the claim of territoriality, which effectively determines their being (their dependency upon an environmental niche). The all too apparent problem in such routine subordination is, as Frank Schalow points out, that 'Animals become vulnerable to exploitation when they relinquish their territorial claim and occupy only the space granted to them by the instrumental ends of human beings' (2000, p.189). Historically, the vast majority of evolutionary adaptation of species was patently forged without direct interventions from homo-sapiens. In this sense, it may be said that wild animals do not need 'help' from us in their fight for survival, and perhaps more directly important for the viewpoint outlined here, human beings *do not fail* to discharge a moral duty when choosing *not* to lend assistance in such cases. So much for *human-animal* notions of what may constitute our moral obligations to nonhuman animals, but how then might notions of *animal-animal* conflicts be better understood, if indeed we are to acknowledge qualitative differences in competency?

Animal ethics and the problem of predation

In chapter one the *Argument from Absurdity* was adumbrated in relation to animal ethics. It broadly claims that if all sentient beings are to be assigned categorical and individual value, then conflict resolution between groups and individuals would potentially lapse into absurdity. In short, if all (sentient) beings are bestowed equal rights then discerning moral distinctions between them becomes irresolvable. In chapter one, several counter arguments were forwarded against the validity of this claim. However, the argument from absurdity I believe, also tacitly permeates much thinking within mainstream conservation policy and practice. Many who would view themselves as conservationists and subscribe to normative notions of environmental 'management' principles, frequently think it 'absurd' to perceive of even a basic notion of equality between human and nonhuman animals as forming a basis for

resolving interest conflicts between species. Importantly, settling interest conflicts are seen by many as arguably the primary reason for needing forms of conservation management in the first instance – whether they are *human-animal* or in fact *animal-animal* conflicts of interest. Here I do not wish to argue whether ideas of animal rights, values, or notions of equality are in fact legitimate *per se*, but rather to explore the ethical consequences of an individualistically-based understanding of our moral obligations within a 'normative' (paternalistic) protectionist understanding of interspecies conflict resolution.

In making this 'absurdity' presumption, many environmental philosophers and practitioners have sought to distance animal ethics – in particular the notion of animal rights - from their understanding of what may constitute environmental ethics as applied to nonhuman animal advocacy.[16] The contention is relatively straightforward, and in its commonplace form posits that it is absurd to try to protect the rights of one creature *over* another as in doing so we may have to negate the rights of one *or* of another. Therefore, the claim is that we need to ground the moral status of nonhuman animals on something *other than* notions of rights and equality. So on this account, for example, the mere act of worming a domestic farm animal (for its 'own protection') would, if we were to base our moral deliberations on a strict rights-based view, be morally reprehensible - as in the process other creatures' 'rights' would necessarily be ignored (the parasitic worm in this case), and thus such considerations would be seen to be 'absurd' in practice and implication. Such an interpretation of a rights-based view does not however accurately reflect its central claims. As discussed previously, the normative animal rights stance as presented in chapters one and two does not so forthrightly demand such either/or dichotomies, and in fact makes exceptional provision for these sorts of value conflicts in its theoretical framework.[17]

However, this idea of absurdity frequently turns not merely upon meta-physical claims about the (in)validity of a rights-based philosophy, but a conception

[16] This view permeates much of the thinking of prominent ecologists such as Aldo Leopold (2000), Baird Callicott (1989) and Arne Naess (1983).

[17] Regan for example uses such exceptions in his evocation of his Miniride Principle and his Worst-off Principle, see chapter 1.3 for further explanation. Furthermore, both Singer and Regan delimit their scope of moral concern. I will in chapters five and six, in discussion of biocentrism, outline and defend a form of animal advocacy that on a cursory reading may arguably be seen to be open to this general criticism.

of *nature itself* as 'amoral' and ethically neutral. Whilst some are willing to tacitly accept that animals in the broadest sense have 'rights' (in the sense that humans have *some* obligation not to simply do as they wish to sentient beings), they view these rights as severely limited by the 'natural order' in which animals are embedded (oftentimes conveniently discounting the embeddedness of the 'human animal' of course). This *embeddedness* of each individual cannot, on this account, be disentangled from the ethically neutral 'natural order', and so for many environmentalists it is conceded that we may certainly have duties to avoid pain and suffering where we can, and that also we should endeavour to try to make the lives of animals as 'natural' as we can (and especially true of animals under our direct control). It follows then, that if we are to acknowledge the 'demands of nature', opponents of a rights-based position invoke a charge of *reductio ad absurdum* against animal liberationists arguing that, given their principles, they should find *predation* morally troubling.

There is an important qualification to be made here however: the 'demands of nature' and what is perceived to be 'natural' in any given context is rarely a reflection of the process of nature *itself*. In short, as Michael Pollan points out, 'predation is not a matter of morality or politics; it is instead simply a fact about how nature works' (2006, p.322). Nevertheless, despite this astute observation, this summary dismissal of predation from the sphere of moral concern is perhaps premature. After all, predation forms the very axis of the natural order - and as Val Plumwood notes 'Predation is neither a negligible anomaly nor an ethical deficiency in the ecosystem'.[18] To attempt to either eliminate it from the sphere of moral concern by designating it as a morally 'neutral' process, or conversely to worry unduly about the (natural) empathic sentiments felt in witnessing an animal preyed upon first hand, is no reason to fain indifference on the one hand - or overlay nature with undue sentimentality on the other.

There are obvious dangers in both extremes. For example, there is the sort of overt anthropomorphism that a few (thankfully) pet owners indulge in, variously dressing their 'toy' dogs in an assortment of fashionable (humanlike) attire - and in so doing arguably diminish their fundamental animality, or calling for the policing of

[18] Val Plumwood makes this poignant claim in here article 'Being prey' in Rothenberg, D & Ulvaeus eds. *The New Earth Reader: The best of Terra Nova* (1999), pp.76-92.

nature to the degree of eradication of predatory species altogether. Notwithstanding these 'extreme' views of interspecies relationship, claiming that predation is not an 'ethical deficiency in the ecosystem' is, I believe, not therefore to suggest that 'resolute' moral neutrality should be an appropriate developed response to witnessing the violence of predation at first hand. Ty Raterman, in a challenging paper expressing why predation may be lamentable, makes the point that not to lament predation is incompatible with a 'compassionate and genuinely gentle disposition' (2008, p.428). He makes the case that it is only moral agents that can display virtue or viciousness – and in this sense predators are 'absolved' as moral patients of any 'wrongdoing' in their struggle to survive. As such, moral agents normatively deem displays of compassion and gentleness as *virtuous*, and for Raterman these attributes demand a particular attitude toward predation, namely one of lamentation. This claim seems reasonable in and of itself to the degree that any sensitive human being would find certain repulsion in witnessing the attrition of the potentially slow, painful and violent death of a sentient being in its final struggles for survival (perhaps exhaustively chased down and progressively torn apart by a pack of wild dogs for example), who may have otherwise for all intents and purposes thrived.

An individual possessing such sentiments, I believe, does not display a deficiency either in fortitude of 'character', or in understanding. However, these 'natural' sentiments should not righty equate to legitimise pleas to police nature. What I mean here is that merely because we may possess empathetic qualities that can 'lament' instances of violence (lamentable that is in a similar sense that Raterman draws out in reaction to witnessing specific instances of predation), this acknowledgment does not demand we work towards cessation of all predation as a logical progression. In the first instance, this would presuppose that we have at our disposal a moral 'right' of mass intervention; a neurological capacity for unequivocal judgement; and possess at any one time a comprehensive understanding of the infinite complexities of the interconnected subtleties of the proverbial 'food chain' at large. In addition, and irrespective of the highly questionable nature of such capacities, it would follow that such a mandate for mass eradication of predation would necessarily ultimately include the most widespread, resourceful and highly

efficient predator in nature – ourselves.[19] In this respect, such a magnitude of intervention in natural processes would be at best self-defeating!

Nevertheless, many environmentalists believe even these sorts of empathic sentiments to be misguided in reference to predation in nature as a whole, and Ned Hettinger proposes that 'When animal activists oppose predation, they are opposing nature' [20] In a sense of course, *we all* oppose nature by virtue of our protecting ourselves from its multifarious dangers – we build houses, fence gardens, eradicate life-forms that pose a threat to us, and in fact 'control' (oppose) nature at every turn. In truth, it is likely that many of those who see themselves as dedicated environmentalists and who may be nominally opposed to an individualistic view of nature, nevertheless are unlikely to 'admire' predation in and of itself - red in fang and claw. Perhaps there is some truth in Hettinger's statement in this restricted respect, but I feel it too bold a claim to suggest that actions against predation or projects to police nature at large logically or morally follow from these sorts of personally experienced and temporal human sentiments. There will of course always be 'radicals' who may propose such actions be taken, or argue that the policing of nature is even morally required, but this does not mean (as I feel Hettinger's statement intimates) that to be an animal advocate *per se* is to be driven by sentiment alone.[21] Rather, the vast majority of animal ethicists ardently argue the case for equal consideration of interests for nonhumans from grounded, exhaustive and consistent philosophical lines of reasoning.

There is at the other end of the spectrum of moral response, I believe, an similarly insidious call to *interference* with the 'natural order' that is for the most part deemed to be acceptable 'management', and certainly would not be viewed by most as in any way on par with the sort of anthropomorphic extremes of the 'sentimental

[19] In the sense here that we are also predators, and thus in forwarding a mandate of eradication of 'predation' itself, then excluding humans would effectively negate the mandate - as predation would *remain* so long as homo-sapiens remain. This of course presumes humanity in our present omnivorous state that ideologically embraces widespread meat eating practices - and would of course not necessarily apply if humankind at large embraced a vegetarian/vegan diet. The former argument that turns upon the questionable nature of our adequate capacity/right/understanding to instigate such an undertaking does however remain valid irrespective of the second claim.

[20] Cited in Ty Raterman (2008), p. 429, this view is surprisingly common and Ned Hettinger here is mirroring the essential early claims of the likes of Aldo Leopold (2000) and J Baird Callicot (1992, 1998, and 1999).

[21] For further discussions around these themes see Steve Sapontzis, *Morals, Reason, and Animals* (1987), and Tyler Cowen's paper entitled 'Policing Nature' (2003), *p.173.*

fanatics'. Namely, it is the belief that it is far better for humans to 'intervene' in nature in sundry circumstances than to let nature run its course, and it is this presupposition that lies at the heart of much interventionist policy and practice. The logic customarily runs thusly: in acting as 'agents' in nature it is likely that in the event of a 'need' to cull a species (we might think of large deer populations in confined areas prevented from naturally expanding for example), humans are able to act more sensitively than nature itself; this then, is preferable to a potentially lengthy demise brought about at the hand of nature; therefore, we adequately discharge our 'rightful' duties to nonhuman animals in this respect. This claim as stewards of nature, although not entirely new, takes form latterly (more or less from the Neolithic period with the commencement of agriculture) as a human tendency to see ourselves not merely as set apart from the natural order, but somehow, in contrast to 'nature', kindly and benevolent.[22] Given this tradition, it is unsurprising then that those environmentalists involved in the vast culling of innumerable animals do so with a confidence born of the belief that whilst *nature may know best, man knows better.*

3.2 Conservation of what and preservation for whom?

Irrespective of the conclusions that may be drawn from this abbreviated discussion, it is likely clear that the idea of nature, our understanding of the animals that inhabit it, and our ideas of our place within it, are elastic notions that conjure up many things to many people. What is clear, regardless of how individuals or groups may define or delimit 'nature', is that the infliction of pain, suffering and death on individual animals at human hands is widespread. Again, this is a statement of what 'is', and factual in form. It is, for example, equally 'factual' that along with pain, suffering and death inflicted by humans or by 'nature', there is (at least) the potential at other times for many animals to experience elation, pleasure, contentment, thrill and an eclectic mix

[22] This shift in emphasis correlates with the inception of farming at the commencement of what is now termed the Neolithic period and the subsequent 'control' of the natural environment through technological advance.

of other cognitive and emotional responses to simply being alive. To argue that nature is merely red in fang and claw – and therefore it is rationally better for animals to die at human hands rather than at the hand of nature - again seems logically incoherent. Certainly for the individual 'managed' deer, for example, death by a rifle shot (a method that very frequently does not produce as 'clean' a kill as is widely claimed) results in the same *outcome* for the deer as any other 'natural' method of extermination – cessation of being (Shelton, 2004). The claims proffered by many conservationists that a swift death is preferable to a *potentially* 'lingering' one, and that in killing some animals a greater number may therefore survive (again, frequently a dubious claim) have at their core the same problematic arguments with regard to our dealings with nonhuman sentient beings that were presented in the last chapter: namely, the problem of 'killing with kindness' and the problem of bare 'utilitarian calculus' in our interspecies dealings.

The problem restated

It is worth examining these claims a little closer. The idea that a swift death is preferable to a lingering one seems reasonable on face value. However, it is not the somewhat obvious observation that less pain is preferable than more pain that is contentious here, but rather it is the *justification* for this claim that needs further examination in this context. There is a paradox embedded in the argument, and as Dale Jamieson points out,

> 'Just as the speciesist conceptualisation of animals is driven primarily by the desire to celebrate humans, so here the idea of the natural becomes a projection of all that humans think of themselves as having overcome or from which they are exempt. Yet, paradoxically, there is often an insistence that humans are part of nature, even while excepting them from its moral demands' (2008, p.189).

In this schema humans are seen to have 'supplanted' typical top predators such as wolves. In the managed landscape the killing of deer, for example, takes on an almost symbolic quality (man as the supplanted predator), giving licence to the summary life and death 'managerial' decisions that 'conservation' demands. If indeed 'man as the modern wolf' is a reasonable working analogy, then latterly the supplanter is clearly a more ravening and insatiable beast than its predecessor. The

symbolic aspect with regard to the controlling of nature fomented within the Neolithic mindset remains powerful and resilient within modern ways of thinking about nature. Jim Mason in fact argues that such *'dominionism'* over nature was initiated with the commencement of agriculture - that led to two basic and interlinked beliefs about the nonhuman world which can be described as 'necessity' and 'nature'.[23] On this account, 'the hunt' is an example of the former, culling practices an example of the latter. The hunt is portrayed as 'absolute necessity', and as such circumvents any spurious questions of choice or morality – hunters perform the 'irreproachable' and vital roles of people-feeder and nature-controller. The first role prevents starvation, the second 'manages' nature by keeping 'wild' animal populations under control.[24] This symbolism continues into modernity in the form of the interventionist 'managerial' mindset, that assumes the role of nature-controller – but latterly the bow and spear is replaced with sophisticated modern methods of animal population control.

Nevertheless, the legacy is that the controlling of nature has become 'second nature' for humans, perpetuating the myth that populations of animals (and despite potentially catastrophic runaway human population explosion –'human' animals are once again somehow excluded) become ungovernable if not constrained by lethal restrictions. The self-proclaimed legitimacy for the modern nature-controller still, however, resides in the symbolic and antiquated dualistic call to 'necessity' and 'nature'. Much like the animal welfarists who acquiesce to the moral acceptability of mass killing under the banner of 'animal welfare' (by means of the clause that it is carried out 'kindly'), animal conservationists likewise acquiesce to mass killing under the banner of 'animal management' (by means of the clause that we can legitimately defer to our self-prescribed 'license' as nature's surrogate). Both presuppositions embrace a legitimacy of treating nonhumans as we essentially see fit.

[23] Jim Mason suggests this useful distinction in *Unnatural Order: How We Broke Our Primal Bonds with Animals and Nature* (2004). The commencement of settled agriculture started around 6000 years ago, and in evolutionary terms is a very recent innovation.

[24] Roger Yates outlines these dual roles in 'Rituals of Dominionism in Human-Nonhuman Relations: Bullfighting to Hunting, Circuses to Petting' (2009), pp.142-43.

A fresh viewpoint

Notwithstanding these differences of interpretation, the point here is a simplistic one, and one not premised upon how other beings 'match up' to human ideas and patterns of social interactions and ideas of 'moral worth'. It is that contemporary ethical debate on animal advocacy may better turn upon questions of our willingness to view nonhuman animals on their own intrinsic terms, and as embedded within a distinct communal framework to the human. Herein however, is a perennial stumbling block in much discourse on animal advocacy: how can we admit of intrinsic value outside of the human sphere without in some way 'compromising' the very essence of our presumptions of what it is to be human and thus in some sense 'flattening' the moral landscape? (O'Neill et al, 2008, p107). If we are to subscribe to the uncontroversial view that the vast majority of human beings are, by degree, conscious of their individuality and social incumbent rights, duties and responsibilities, how might we be able to objectively determine whether any 'meaningful' social structures are extant within the animal kingdom?

Furthermore, can such human preconceptions and prejudices ever form a basis for truly objective dealings with the non human world? And, is it 'unavoidable' therefore that our thoughts and actions are inevitably - to varying degree – paternalistic, anthropocentric and value laden? In overlaying our (current) understanding of human thought processes upon other animals, and deliberating primarily upon such criteria, we unquestionably then assign 'value' dependent upon human *expectations*. Nonetheless, our human moral theories can only be based on what we *know* about and what we 'ought' to care about, and it may be argued that this inevitably makes our theories 'anthropocentric' in nature. However, this empirical fact alone does not necessarily mean that such theories *only* have relevance to human beings (Warren, 1997, pp.443-44). A basis of contemporary concepts of human rights, for example, invariably places emphasis on the *uniqueness* of human beings. In some clear respects this view may well be valid: after all, we perceive of our mortality in psychologically complex and 'meaningful' ways, we compose music, write poetry and prose and make diverse complex moral choices – other animals seem not to do these things. This uniqueness is however grounded in biological divergence - brought about by our diverse biological development from other evolutionary routes undertaken by other species. Within traditional (and much

contemporary) ethical debate such substantive *biological facts* are however too readily recurrently translated into 'moral truths' (Regan, 2004, p.88.), and it is to this problem that we now turn.

Broadly, in contemporary terms there are two mainstream groups who express environmental concern: Nature conservationists (as discussed in this chapter) and those often viewed in the mainstream as 'radical' environmentalists (which we turn to in chapter four).[25] The former, in their protectionist concerns and interests tend to support normative social attitudes to our moral obligations to other creatures, and as such, they have no pressing agenda for sweeping change.[26] Conversely, radical environmentalists believe that far-reaching change is necessary in order to address urgent environmental issues. Although both profess a deep concern for diverse aspects of 'nature' and the nonhuman animals within it, these two groups are fundamentally divergent in their interpretation and response to environmental issues.

Who decides?

If indeed, as Alan Carter suggests, protectionist groups can rightly be categorised and typified in this way, this raises a preliminary question concerning moral considerability in relation to interspecies paternalism itself: if it is legitimate to strive to protect and conserve chosen environments and the animals and plants that comprise such environments, who decides what, where and how those designated as worthy of protection are 'saved'? Initially it would on first reading seem evident that likely those determining such far-reaching protestations do so by a consensus based up solid scientific evidence, perceived value (or danger) to the wider ecosystem, or/and species' scarcity as forming a pragmatic basis for such decisions. However, identifying those beings which are to be deemed as morally considerable is little short of the central task of environmental and animal ethics at large, and determining an established basis for such protestations continues to be decidedly elusive. This all does of course presuppose that such deliberations are desirable in

[25] Alan Carter makes this distinction in *A Radical Green Political Theory* (1999), p. 328.

[26] This is of course not to tritely suggest that to be a conservationist is to be 'mainstream' in outlook. It is however predominately the case (and certainly within the UK) that the majority of those who make decisions on environmental policy represent a cultural homogeny in attitudes to nature.

the first instance. After all, even if we were to suppose that a valid and rigorous criteria for identifying which creatures warrant degrees of moral considerability could be universally agreed upon, any such edict nevertheless must make an assumption that 'there are or ought to be, insiders and outsiders, 'members' of the club of consideranda versus the rest' (Heyward, 1996, p.56). Thomas Birch sums this problem up succinctly:

> 'Moral considerability is one of the credentials for membership in the elite club of those humans or nonhumans, like national parks, who are to benefit from the ultimately violent suppression and exploitation of the rest of the others (i.e., the objects that are taken as fit for domination and control)', (Birch, 1993, p. 314).

It is clear then that determining who or what counts for inclusion into or exclusion from this exalted group is not merely a matter of speculative nuance, but in the most literal sense, a matter of life and death for countless individuals. Birch argues that rather than firstly identifying which beings may be morally considerable as a predetermination to valuing them, we ought to initially give moral consideration to all beings, and posits that in truth the 'the most fundamental job of the entire business of ethical research is the discovery of our obligations'[27]. This view is distinctly deontic in character, and for Birch this perspective 'returns' the focus back to agents as the starting point for inquiry. This standpoint does however contrast sharply with what in most environmental protectionist policy and practice passes as the normative process of determining moral inclusion or exclusion - based largely upon the utilitarian project of maximisation of the net sum of the perceived 'good' (and usually founded upon a perceived benefit/loss ratio to the 'local' or wider ecosystem for instance). For Birch, returning the focus back to agents can at least more readily attend to the inattention in much of environmental ethics to the *meaning* of consideration, and where this consideration should be focused. In short, his idea of consideration in this instance is that beings are *not* initially valued in a determinate sense, since this would presuppose value criteria and thus be guilty of the very presuppositions that the normative view espouses.

We might better assess such a position therefore as a focusing more upon the *value potential* of each individual - in that they would effectively be seen to be

[27] Cited in Carter (1999), p.322.

preliminarily valuable (although at this initial stage not yet 'assigned' distinct value). A clear strength here is that this precursory view would, at minimum, negate any initial equivocation that any particular creatures be classified as simply 'non-valuable'. This does however beg the question of how we may make sense of any idea of moral consideration which is not already evaluative (the argument proceeds that there must either be evaluative *criteria* extant, or conversely we are left with no consideration at all). Through the prism of a rights-based perspective a prerequisite quality that such a precursory view would need to demonstrate would certainly be that the disposition of the moral agent (and Birch, like any good deontological advocate, must centre moral accountability on the moral agent) be free from speciesist assumptions. This is of course no easy task. However, allowing for our inevitable imperfect knowledge in determining any legitimate nonhuman moral considerability, Birch's precursory view at least makes a considered attempt to avoid the pitfalls that befall straightforward speciesist presumptions of hierarchical value. Besides, it would seem perfectly reasonable to suggest that a view that is as 'generous' as Birch's is, at least, defensible.[28]

Generosity is of course in limited supply. Nonetheless, in adopting the perspective that Birch suggests the advocate of the deontological approach does not have to be left to the cold comfort of mere insight, intuition or generosity of spirit alone. The sort of normative determinates based upon solid scientific evidence, perceived value (or danger) to the wider ecosystem, or species' scarcity available to those frequently espousing a non-deontological point of view are of course equally invaluable to the deontologist. A multi-layered knowledge of these factors may, as Hayward observes, '.... be thought of as the ensemble of the maximal available human knowledge and understanding than as the prerogative of the deontically experiencing individual'.[29] This is all to the good, as no individual would rightly claim that moral intuitions are somehow disentangled from individual experience and knowledge of the world - as experience is always structured and value-laden. Indeed, arguing from intuition is invariably fraught with danger, since intuitions are

[28] I in fact develop this broad idea of 'preliminary' moral considerability through a tentative elaboration of a 'weak' biocentric framework in chapter 5.
[29] Tim Hayward (1998), p.60.

seldom universal.[30] The deontic view, as I understand it in this context, is claiming something less than a straightforward reliance on forms of transcendent 'universal' moral truth, and may more modestly be interpreted as a shift of attention from ideas of considerability as the starting point for environmental protectionism, to a refocusing on the *practice of consideration.* In short, the focal point then is switched to the intersubjective conditions of the practice of considering - and in so doing emphasis is shifted toward the 'principles' of consideration, and not merely the experience of it – the *why* rather than the *what.*

My point here is that for animal protectionism this refocusing away from *what* is to be excluded or included in conservation initiatives to consideration of *why* beings are excluded or included in the first instance, must have far-reaching consequences for the claims to legitimacy that the normative conservation view conveys.[31] For example, arguments based upon the control of so-called 'invasive' species would seem less convincing if viewed in the light of a deontological approach that demands initial consideration of the merits or demerits of beings in non-speciesist terms (or at least attempts an approximation to a conceptual 'species neutrality'). In this respect our ideas of what animal is valuable, in and of itself, would *antecede* decisions about what value we assign its 'place' in what is designated as the physical community of accepted creatures (an assessment itself highly fraught with complex interdependencies, subtle biases, provincialism and erroneous evaluations). These deontological themes are picked up again in chapters five and six in consideration of the sufficient prerequisites for a form of biocentric individualism.

3.3 Managing mismanagement: The end of the individual?

These observations brings into sharp focus a less vocal, but nevertheless tangible contemporary criticism of the rights position as adjudged against a protectionist

[30] Heather Fieldhouse discusses the problem of moral intuition in the light of Kantian 'indirect' duties to nonhumans in 'The Failure of Kantian Theory of Indirect Duties to Animals' (2004).
[31] And indeed forms the backbone of my development of biocentric individualism in the subsequent chapters.

ecosystemic view; namely, that such a stance is sometimes accused of a 'sentimental' view of animals and nature at large, and is, it is argued, little more than a naïve attempt to overlay the brute realities of 'nature' with a form of anthropomorphic inclusiveness. The claim of sentimentalism is in this way commonly ascribed to those who would advocate for animal rights and welfare.

Sentimentality itself is of course not to be confused with genuine sympathetic and empathetic responses.[32] To be sure, the kinds of overt anthropomorphism discussed previously[33] that would seek to recreate the animality of the nonhuman as a displaced 'pseudo-humanity', and attempts to reconstruct an animal's natural propensities into something more 'palatable' to a modern urbanized mindset, I believe more accurately describes what is meant by 'sentimentality' in its conventional context. This overt sentimentalism is, to some degree, arguably born of a modern divorcement from the daily life and death struggles that characterizes otherwise 'wild' nonhuman existence. Nonetheless, our intuitive emotional responses - irrespective of time and place – are, as Kathie Jenni puts it, 'central to moral life in manifestation of important virtues such as compassion, and as an indicator that something we are party to or are witnessing is wrong' (2005, pp.9-11).[34] Emotions may not of course provide a firm or indeed sufficient basis for considered moral judgment, but are at the very least an indispensible (and importantly, 'unavoidable') starting-point for moral deliberation. There is, however, embedded within our post-enlightenment and largely (still) male-dominated culture a distinct and yet tangible mistrust of emotion itself – one certainly reflected in the (mis)management principles of the 'scientific' paternalism that, I argue in this chapter, drives much conservation management policy and practice. In this sense, we are culturally prone to an unreflective dualism that sees reason divorced from – and opposed to – emotion. As Jenni points out, 'Even though neurobiology itself vitiates this false division, and

[32] The role of emotion in moral reflection does of course constitute a major theme of moral philosophy and I have no wish to expand at length upon the diverse arguments arising from such in this work. However, for a holistic moral philosophy that touches upon many of the themes discussed here, see Martha Nussbaum, 'Finely Aware and Richly Responsible: Moral Attention and the Task of Literature' (1985), and for a classical interpretation of the role of emotion in philosophical thought see David Hume *A treatise of Human Nature* (2007), and for a more general introductory discussion of the role of feelings in moral philosophy see Anthony Weston *A Practical Companion to Ethics* (2002).

[33] In 3.1 'Animal ethics and the problem of predation'.

[34] Kathie Jenni emphasises the naturalness of empathic responses in 'The Power of the Visual' (2005).

though it has been rejected in much work in moral philosophy, it persists as a persuasive confusion among the general public, as well as among many intellectuals' (2005, p.9).[35]

Animal advocacy the role of empathy

This is not to suggest that considered introspection, multi-layered knowledge and rounded experience do not play a key role in shaping, directing and 'rationalizing' our elementary empathetic and sympathetic responses. Conversely, I do not wish to claim that those who hold to an ecosystemic view of conservation management are not so inspired to action by genuine feelings of empathy and concern for the environment. Rather, that in charging animal advocates who would centre their concern primarily upon individual suffering and use with sentimentalism, there is embedded within this charge a frequent tendency towards an unconsidered mistrust of the *role* of emotion in moral deliberation. In the variety of moral consternations that arise from everyday moral life (and here particularly of course in respect to what may constitute our moral obligations to other-than-human animals), it is not emotion *itself* that is to be mistrusted, but rather unreflective and prejudiced determinations. After all, in witnessing the first hand protracted suffering of a sentient being (or perhaps, inadvertently being the direct or indirect instigator of such), the individual who does not feel distress or disgust is not nowadays rightly deemed to be a pillar of Cartesian reason and detachment.[36]

This raises a further general concern in respect to the enormity of animal suffering globally, and the complexity of ascertaining what in fact may be our appropriate moral responses to the varied forms that this suffering assumes. Some argue that for 'practical' reasons - such as our effective functioning and general mental health, we are better restricting our moral responses and sphere of moral concern to problems that we can 'see' – in effect, only those that we witness, or are

[35] Also, for some excellent investigation in this particular area see Antonio R. Damasio, *Descartes' Error: Emotion, Reason, and the Human Brain* (1994).

[36] I of course refer here to Descartes' widely discredited notion that sensations of pain, are only possible in beings that are composed of both mind and body because sensations emerge from the commingling of these two substances. Animals, according to Descartes, are, however, composed of only *one* of the two substances: body. Hence animals are sophisticated machines that are capable of making the physical motions and grimaces that would in humans accompany the sensation of pain; but, possessing no minds themselves, animals are incapable of possessing the accompanying sensation.

involved in personally in one way or another. For those holding an ecosystemic view of conservation, these may be things that we may therefore be able to pragmatically 'manage' effectively. For those who support this view (and this support tends in large part to be habitually 'tacit' in nature), attempting to identify with the immensity of nonhuman suffering in meaningful ways is simply too enormous a task – and pointedly, in this respect 'enormous' is all too readily translated to 'erroneous'. In effect, therefore good cause for reverting to 'unreflective' habitual responses that, I believe, delimit our rational agency and integrity, in *omitting all that which passes out of view.* However, suffering that passes out of view is still suffering. In his discussion of 'escapism', John L. Longeway refers to escapism as comprising of strategies by which one 'attempts to keep beliefs one does not like out of consciousness...and, should they enter consciousness, to distract one from them or put them out of mind' (1980, p.2).

It is somewhat odd then, that animal advocates who centre their moral concern primarily upon individual suffering and use are criticized by many who may take a holistic view of suffering to be sentimental - and by implication naive (by for example, environmentalists who would view the 'suffering' of endangered species to be encapsulated in the fact that the species itself is *suffering* threat of extinction). What I mean here is that it is substantively the case (in the 'real' and extant world) that it is individuals that experience the harm of pain and suffering - in that the neurological, psychological and physiological experience of pain and suffering (and its ensuing harms) *ends* at the boundaries of the individual body. This seems on face value an obvious statement of fact, but has direct bearing upon the claims of sentimentality and naivety against animal rights advocates that many holistic environmentalists and conservationists insinuate. Is it, in fact, 'more' sentimental to ground notions of animal advocacy upon the actual physical delimitations of pain and suffering (such as the harm that *each individual* uniquely suffers), or upon aggregated (and 'non-existent' - outside of our categorizations) human notions of 'group suffering' such as the 'harm' of species extinction - that drives much conservation? Extinction itself is in fact a normal evolutionary process, substantiated by the fact that over 99% of documented species that have lived at one time or

another are now extinct.[37] In this context at least, it may be said that no individual nonhuman as far as we can tell was ever 'harmed' by the extinction of 'its' species (with perhaps the 'last' representative excepted, by virtue of having no reproductive possibility). For staunch conservationists, these propositions must constitute an uncomfortable and disconcerting problematic, and herein the rights view sketched above is decidedly *unsentimental* in its broader view.

Modes of inclusion

A highly selective view is starkly evident in our categorising of much of the animal world, in that we tend to categorise the world around us in general terms rather than the particular. For instance, we habitually classify nonhuman animals in generic terms, for example 'birds' or 'bees'. Of course aggregation in this sense is expedient in helping us to 'make sense' of the world around us. Virtually all species have some form of mutually beneficial collective structure and this is evidenced both in the so-called 'lower' and 'higher' animals – arguably culminating in the highly developed moral, political and social structures of us homo-sapiens. We readily accept modes of inclusion in inter-human relationships, and the individual's place within the social milieu is normatively based primarily upon little more than (human) species membership (this is of course not to suggest that domination, oppression and exclusion do not also categorise our dealings with each other). However, these accepted modes of inclusion are largely missing from inter-species relationships (Benton, 1993, p.163). In acknowledging humans as both (and concurrently) group and individually defined, but viewing the non human world generally as 'collectives' and rarely as individuals, we clearly set a distinction ultimately based not on concepts of species' collective behaviours, but what may be construed as little more than a deep unwillingness to accept the 'individual' within the assigned collective. As previously discussed, this tendency toward 'group classification' has historically been a central tenet of many sundry forms of discrimination in the human sphere.

We can then, bluntly, view these ways of thinking as 'holistic' - in that they promulgate the idea that the existence of a thing does not involve anything more

[37] For a thoroughgoing critique see George S. Fichter in *Endangered Animals* (1995), pp. 5.

than its relationship to certain other (interrelated) things.[38] Conversely, we may broadly observe that atomistic theories tend to view individual things as having quite a separate existence over and above that of other things. What is important here however is that both holists (and collectivists generally) and atomists (and likewise individualists) both accept, by degree, 'interrelationships' as core constituents of their respective ontologies. In essence, viewing the world as composing of individuals does not of course *preclude* acceptance that each individual exists within a concentrically wider interrelationship with the world around them.

Both views however inevitably influence the ways in which we view wider nature and discourse tends to take one of three general forms in contemporary society concerning this question: the pessimistic which sees the treatment of animals by humans as cause for deep pessimism; the optimistic view - which may admit of many problems, but asserts that we can humanely manage the natural world; and 'realistic' notions which concede to life as a natural struggle in which animal and human conflicts will 'find' a natural balance (Walker, 1995, pp.60-61). However, it is less clear as to how these generalities are to be understood, and more importantly for our discussion here, how the *individual* animal may be defined within these disparate constructs.

In considering the extent of our interventions with those other living creatures that share the environment, how might we then square a rights-based animal ethic with what may be legitimate obligations and duties to wild animals? As we have seen, historically animal ethicists tend to make distinctions between animals in human servitude and so-called 'wild' animals. For supporters of animal rights, moral duties and obligations to the former category of beings are distinctly drawn between welfarist approaches and abolitionist views. Both those who emphasis *treatment* and those who dispute our *use* of domesticated animals (the rights/welfare dichotomy) nevertheless share a common presupposition - that such animals deserve *some* form of protection that exceeds current safeguards.

[38] It is helpful here to recount that essentially the idea of atomism is the 'opposite' of holism; and likewise individualism is in this respect therefore the 'opposite' of collectivism. See Glossary for further definitions of holism in this context.

Revaluing the individual

Much of the impetus for the widely held presupposition within animal and environmental ethics that argues that nonhuman animals deserve some form of concrete protection, frequently turns upon notions of intrinsic value – broadly, the value a 'thing' has *in its own right*.[39] However, the term intrinsic value - rather like expressions such as 'liberty' and 'freedom' - whilst in the main engendering favourable consent, largely escapes meaningful definition and widespread understanding. Moreover, as Katie McShane points out, intrinsic value can refer to diverse and very different ethical working concepts, that she groups into four useful categories:

1. 'Views according to which claims about the intrinsic value of X are claims about the distinctive role that X should play in moral decision making.
2. Views according to which claims about the intrinsic value of X are claims about the distinctive way that it makes sense to care about X.
3. Views according to which claims about the intrinsic value of X are claims about which properties of X make it valuable.
4. Views according to which claims about the intrinsic value of X are claims about the metaphysical status of X's value properties' (2007, p.47).

It is clear that the varied forms of protectionism (encompassing animal and wider environmental ethical contexts) that have been discussed to date in this work can fairly be seen to fall under one or other of these general categories. The first group for example, embraces views that emphasise moral standing and ideas that intrinsic values should outweigh other values in matters of conflicts of interests. The second operational category includes views of intrinsic value that tend to differentiate between valuing things intrinsically for their 'own' sake, or merely instrumentally in attempts to form any valid ethic. The third category comprises of views that involve the claim that for something to be intrinsically valuable is for it to be valuable precisely because of its intrinsic *non-relational properties*, and thus views such

[39] Although latterly, there have been some calls to abandon the concept of intrinsic value altogether from within protectionist literature and environmental thought. Intrinsic value is seen as being unhelpful in determining *why* the nonhuman world should matter to us morally (and pragmatically). See for example, Andrew Light (2002), Bruce Morito (2003), Bryan G. Norton (1995) and Anthony Weston (1996) for wider critique of this notion.

properties as legitimately *not* dependent upon its relationship to something else. The fourth group tends to consist of views about the metaphysical status of individual value, that proposes that there exist intrinsic value in things despite human valuing – in short, that *being valuable* is a non-relational 'property' of objects. As McShane notes, to make these general categorisations is not to say that a given view cannot of course fall into more than one of them; for example, Regan's rights-based view discussed in chapter one would rightly fall under both group 1 and 2.

So, generally speaking, we may say that our valuing of the intrinsic nature of a given thing, and the attitudes that arise from this valuing, play an essential role for the purposes of applied ethics in this context. What can be drawn from these broad categories is that there is certainly a commonality to such theories of value (in that intrinsic value can be/is seen in several independent or combined ways), and it is these kinds of categories that have fomented the subject matter of much of this work. A primary concern arising from this pluralistic basis has likewise been the determination of how, or if, a given theory *individuates* the bearers of intrinsic value. For a work that argues for the illegitimacy of presumptive use of animals and advocates a move towards biocentric individualism, how we may determine the individuation of what (whom) is deserving of moral standing remains a key element – and one discussed at length in the next chapter in the context of holistic approaches to animal advocacy.

Within the perspective of the themes of this chapter, it is however a question of how a given theory of animal advocacy *individuates* the bearers of intrinsic value that determines, in large part, its application in practice. It is from this notion of individuation that the conception of my proposed individualistic account arising from an argued illegitimacy of use begins to foment. It would for example, seem a reasonable claim that it is nonsensical to talk about relations between things (and the subsequent values attributed to them) unless there is an acknowledgment that there are things *being related.* This, in effect, means that we have to separate out individual things from the general – the particular from the vague. In fact, our psychological make-up is such that *we do* individuate objects in our environment simply in order to make sense of otherwise chaos. The salient point here is that in regard to our moral inclinations towards the natural world and the creatures that are environed within it, we likewise frequently require that we separate out individual

things from the mass of experience. McShane makes an interesting comparison to the ways in which we view each other in arguing that, 'I have to understand myself as separate from you in order to love or hate you; I need to know which part of the world you refers to in order to resent you or feel guilty about how I treated you. I also need to individuate the 'you' parts of the world in order to think that I have ethical obligations toward you' (2007, p.57). These conceptual differentiations inherent in this mode of thinking are not pertinent solely to our human understanding of our own place in the world, but pertain equally to our understanding of the place of nonhuman individuals.

There is however an evident concern that emerges from this straightforward assertion: if we are to 'divide' up the world into the individuals that compose such, there is then a danger of unavoidably diminishing the importance of relationships, systems and the processes embedded in this complexity in deference to a theory of individuation. If indeed a theory of individuation makes the individual the singular mode of understanding phenomena (in moral terms at least), the counter argument is that it will inevitably miss the 'importance' of other things. In actuality, nothing in existence subsists in isolation, and to attempt to form an ethic that demands such an overtly atomistic worldview would seem inconsistent with the 'experienced' world around us. However, reliance upon our tendency to individuate objects (and in the context of this work, living 'subjects'), does not of necessity negate our other tendencies (such as the tendency to group certain individuals in order to make relational sense of the world).[40] In other words, because individuation is suggested as the *primary* mode of understanding phenomena in moral terms, this does not mean that it is the *only* mode of understanding such, and therefore that such a view must necessarily ignore secondary, tertiary and other considerations. The central observation to draw here in the context of this chapter's themes is that intrinsic value does not signify absolute value.

There is here then a need to make a working distinction at this point between intrinsic value and moral standing for the purposes of further discussion of a re-

[40] We might think here of the difficulty and probable undesirability of individuating a shoal of fish at sea. It is clearly more cogent to view these 'individuals' in the shoal context for reasons of relational explanation (to determine for example a shoal of mackerel from a shoal of herring). This does not however infer that the shoal is a 'living entity' in and of itself, but merely suffices to distinguish one aggregate from another.

evaluation of the individual in wider animal protectionism. Within the contemporary debate these terms are often conflated, and, for some theories of value, legitimately amount to much the same thing in *applied* moral deliberation.[41] Moreover, for many environmentalists for example, the notion of holistic intrinsic value – and not merely instrumental value – has considerable appeal. There is a tendency however on this account to overlook the subtle distinction between intrinsic value in these terms and moral standing - in attributing the latter to inanimate entities, when only the former is warranted. Rick O'Neil makes a working distinction in discussion of moral standing and intrinsic value, 'Something has intrinsic value if its existence is a good thing in itself, apart from its role as a means to other goods. Something has moral standing (or moral considerability) if it can be benefited or harmed, if its interests deserve consideration. Whereas intrinsic value involves an object's good, moral standing involves membership in the moral community and possible possession of a right' (2000, p.185).

3.4 The individual redefined

The effective confusion between moral standing and intrinsic value frequently beleaguers the contemporary environmental/animal ethics debate. The arguable failure of animal rightists to adequately protect 'nature' may therefore in part amount to a confusion concerning the distinction between intrinsic value and moral standing, embodied in their reluctance to attribute moral standing beyond the merely sentient. Conversely, environmentalists claim that to adequately protect nature demands acknowledgment of intrinsic value and subsequent inclusion in the moral community to non-sentient entities is likewise arguably to confuse the distinction. In sum, the claim that the environment can be best stewarded by effectively making nature part of the 'moral community', is to ignore the function of moral standing in ethical debate: namely, to acknowledge those beings that our actions and practices could conceivably benefit or harm. In this sense, even if inanimate entities have intrinsic

[41] For example animal rights theorists such as Tom Regan (2004) in grounding argument upon the basis of possession of intrinsic value, extrapolates this to possession of moral worth as subjects-of-a-life. In effect, once intrinsic value for an individual (living being) is claimed, it follows that the independent subject must possess some moral standing in and of itself.

value, they clearly cannot 'benefit' in any ethical sense by inclusion into the moral community.

Re-evaluating the individual

We may then, in subscribing to any tentative re-evaluation of the 'place' of the nonhuman individual in the context of individuation as the primary mode of understanding phenomena in moral terms, necessarily be required to reevaluate our taken-for-granted paternalistic predispositions towards such beings. The epigraph from Marti Kheel resonates here, 'Humans are not husbands of nature, and nature is not our wife. Animal husbandry is long overdue for divorce'. This divorce from our prescriptive 'beneficent' relationship may call for a form of 'moral respect' that animal advocacy - in its normative presuppositions - fails to embrace. What form then might this moral respect take and how might we, instead of subordinating them to our wishes, empower such creatures to manifest themselves as *their* specific kinds of beings? Elisa Aaltola suggests a sequential line of argument:

1. 'Animals and humans are all creatures through which being occurs
2. Each creature manifests being in a different manner
3. The special characteristic of humans is their openness to the world (understanding beings as beings)
4. This characteristic leads (or should lead) humans to let beings manifest themselves and their difference in peace'[42]

The straightforward ethical significance to be drawn from this logic is that *animals do not have to resemble humans to count morally.* This would seem a forthright proposition in itself, but the notion of moral respect seems to intuitively carry more ethical weight than a recommendation to simply annul our relationship. As Aaltola suggests, an aspect of 'valuing' is assent to a form of 'other acknowledging', which resists domination and lets 'the other' retain their situatedness in the world – their 'otherness' in approbation (Kheel's marriage/divorce analogy is pertinent here). In this way our traditional value-laden protectionist ideas can begin to yield to a

[42] Elisa Aaltola outlines this argument in her summing up of the Heideggerian views of Frank Schalow, William McNeill and Simon James in 'Other Animal Ethics' and the Demand for Difference'(2002), pp.193-209.

respectful attitude to animals, and so 'value' and 'attitude' are effectively disentangled. From this assertion Aaltola adds a conclusion to her line of reasoning:

5. 'Letting be' leads to a moral-like (but not 'moral' in the traditional sense) acknowledgement of animals as others in the form of wonder'

Of course a 'moral like' acknowledgement can easily be construed as too broad in concept. It does not, for example, give us any clearer indication of the actual scope of inclusion or exclusion and may be seen as no less anthropocentric in essence as any other value-laden 'elitist' ethical stance. If we are in fact to consider what or who may be included in a respectful attitude to others, should the inanimate world also be included as many deep ecologists suggest, or are sentient animals to be considered more 'awe inspiring' and thus demand 'greater' respect? This then leads us to a troubling proposition. If we are to prefer (some) animals over rivers and rocks for example, then given this, it is likely that we will further prefer *some* animals over others. This again introduces a 'selective ethic', likely based on how the entity matches up to human beings (those things 'closer' to us are ascribed greater value). Furthermore, this 'respect' criterion may in the final analysis be too subjectively based to form a broad ethic of action – the 'letting be' may have to include, for example, the 'letting be' to suffer innumerable 'preventative' harms. This idea of 'letting be' and the consequences for animal protectionism is explored in greater depth in the light of an individualistically-based view in chapter four in critique of ecocentrism.

Reformist Tinkering?

A key point of intersection between welfarist aims within animal ethics as presented thus far, and many of the avowed aspirations of protectionist ethics is, I argue throughout, a commitment to what Alan Carter terms 'reformist tinkering' (1999, p.28). Encapsulating this reformist agenda is an underlying 'faith' in the power of incremental positive change.[43] But is there any convincing evidence that reformism - both in the guise of welfarism and protectionist initiatives – has in fact the power to

[43] Direct comparisons can be made here between this faith in positive change that many environmentalists proclaim and the belief in the efficacy of piecemeal change that the 'new welfarists' tout, see chapter 2.3 for a discussion of new welfarism and its problematic presumptions.

change our arguably deficient basic moral responses to our obligations to other beings? In short, reformism, in the final analysis may simply not take the problem of power differentials sufficiently seriously.

If we are to admit of the necessity of some form of species differentiation in our moral thinking, it would seem to follow that as a preliminary task we need to ascertain our meaning of 'species' above and beyond its general (although varied) scientific usage. That animals are usefully categorised according to phenotype (chiefly, individuals closely resembling one another with the ability to interbreed) in order to make sense of the niche evolutionary adaptations life on this planet has evolved to fill, does not directly equate to legitimate aggregate 'value' judgments of the same. As intimated previously, there is no such extant thing as 'species' that concretely transcends its aggregate components. This observation is critical here because if the aggregate parts are merely convenient human constructs, it does not therefore validate the straightforward assumption that such classifications can 'embody' relevant moral status in and of themselves. Neither then in this context is the aggregate 'species' likewise morally distinct, and therefore 'species' can only be morally relevant in the ways that its *constituent elements* are. In short, 'species' has no essential 'core' nature. As Daniel Elstein succinctly points out 'Therefore, to make moral distinctions based on species in itself, without reference to what species consists of, is to make moral distinctions based on nothing'.[44] Whilst it is true that the *construction* of species is 'real', it is the reality of species itself that is in question in this case. Of course there are many instances where such social constructions can legitimately be the subject matter of moral reasoning, and indeed ethics at large variously ponders elusive constructs such as rights, freedom and liberty – none of which could be said to exist in 'independent' concrete form.

Furthermore, this is not to make the highly implausible claim that species' differences do not clearly exist, or that such categorisations are not valid (and likely essential) as convenient conceptual tools for biological enquiry. Rather it is to infer that in being socially constructed, such constructs are inevitably culturally contextualised - and therefore frequently value-laden. What may be viewed as useful in one cultural context may be seen to be detrimental in another. For example, even

[44] Daniel Epstein makes this distinction as his basis for a Moral Species Concept in 'Species as a Social Construction: Is Species Morally Relevant?' (2003).

within the scientific community divergent concepts tend more to reflect diverse epistemic interests rather than providing some universally understood meaning of the term: evolutionary biologists emphasise evolution with regard to species; ecologists focus upon ecological niches; whilst other biologists interested in morphology define species in terms of morphological characteristics (Wilson, 1999, p.192).

Given that the constructed term itself has no universal meaning, it is evident then that talk of 'species' as morally relevant is open to misinterpretation at best, and incredulity at worst. Simply put, species is not a morally relevant term. The term is frequently misused in this sense, often to equate our constructed concepts of 'species' (defining particular groups differently) with our tendency to *speciesism* (valuing particular groups differently). However, the confusion here is more than mere semantics, as our value judgments concerning various species are not, in practice, judgments about the divergent *importance* of species, but about the importance of the *qualities* that are correlated with our perceptions of 'species'. Crucially, speciesism in this respect disregards individual differences both within and across species, whilst at the same time ignoring the foundational animal liberation maxim that individuals should be treated differently in as much as they possess morally relevant differences.[45] If we are to base value judgments on distinctions between differences in what amounts to little more than appearances (creatures 'look' different), then such commonplace assumptions unavoidably ignore qualitative morally relevant characteristics in favour of superficial distinctions. Again, appearances alone are not morally relevant; likewise, whom individuals have the ability to successfully reproduce with is not morally relevant.

Deconstructing 'species'

The constructed term 'species' is, moreover, not confined to commonplace assumptions or speciesist platitudes. Within animal ethics, and much animal protectionist thinking, the term is rarely substantiated or challenged and takes on a taken-for-granted quality. Within discourse on animal rights and the place of the nonhuman animal, many theorists readily debate the moral relevance of species

[45] Peter Singer of course makes famous use of this moral maxim as a basis for development of his animal liberation position, *Animal Liberation* (1995).

without at first ascertaining what in fact species *is,* or what it may mean in the context of the debate. In short, species membership is recurrently thought of as an *essential* characteristic of an individual - whereas in concrete terms beyond classifications of membership, it does not exist.

I contend that because the meaning of species in the context of animal advocacy has not to date been routinely and rigorously deconstructed, opponents of animal rights have sometimes used this ambiguity to bolster their positions.[46] As Elstein observes, 'The claim that species is morally significant seems to hold more water when we have not said what species is' (2003, p.7). It is, I argue in this work, the very interpretation, understanding and use of 'species' that likewise forms the collective shaky foundations for the ascribed legitimacy of many aspects of animal welfarism (in chapter two), animal protectionism (in chapter three) and ecocentrism (in chapter four). In each case, what it is that we mean when we espouse 'species' needs to be acutely deconstructed.

The very nature of interpretation of course presupposes differences between human individuals, groups or indeed cultures. There is also, it is to be admitted, a frequent normative correlation between a strict scientific classification of what species may constitute and generic interpretation. For example, the biologist Scott Atran concludes that:

> 'Generic species often correspond to scientific genera or species, at least for those organisms that humans most readily perceive, such as large vertebrates and flowering plants.....A principled distinction between biological genus and species is not pertinent to local folk around the world'.[47]

These sorts of societal and cultural interpretations can, conversely, influence biological categories. For example, it is a continuing interpretive anomaly that humans are classified as apes, since we are genetically closer to chimpanzees – in fact more than chimpanzees are to orangutans. Evidently, societal and historical

[46] In particular Carl Cohen has argued this value-laden form of 'species' in asserting that *'when we think clearly and judge fairly, we are all speciesists of course',* in *The Animal Rights Debate* (2001). Cohen, I believe, uses the term incorrectly in attributing qualities to the constructed and descriptive term, and thus uses species to somehow 'naturalistically' equate to unequal moral value judgments - and so is able to make the dangerous assertion that.....*'we are all speciesists of course'.*

[47] Scott Atran, 'The Universal Primacy of Generic Species in Folk-biological Taxonomy: Implications for Human Biological, cultural, and Scientific Evolution in Robert Wilson's *Species: New Interdisciplinary Essays* (1999).

interpretations continue to permeate even our own provenance, let alone how we interpret other species. This is not to say that there are not marked differences between humans and chimpanzees (or apes for that matter), but rather that there are marked disparities in how we interpret these differences. For example, biologists will rightly interpret the 'usefulness' of species in the way that is pertinent to their needs – the relevant characteristics for their field of concern. Likewise then, it is reasonable to propose that in order to form a species concept relevant to moral philosophy, theorists need to interpret the usefulness of species from whatever characteristics are *morally relevant*.

Conclusion

The arguments presented in this chapter 'broadened' the remit of animal advocacy in its normative sense, in questioning the ethical validity of much conservation theory and practice in the light of the theoretical grounding arising from the animal ethics debate. A key enquiry of this chapter has concerned the difficulty of how an animal rights-based position may provide a credible basis for our 'obligations' to systemic environmental management, preservation of ecosystems and conservation of endangered species. Throughout this chapter I have drawn attention to the fact that the presumption of use inherent in much animal advocacy (and here examined in the context of stewardship) is not seriously questioned within a good deal of environmental ethical discourse. The delimitations of the scope of interventionism and the development of a 'hands-off' animal rights-based view were then presented through a critique of 'Animal ethics and the problems of predation'. Subsequently, the problem of identifying those beings which are to be deemed morally considerable with a paternalistic context was investigated, again in the light of the recurrent theme of the underlying presumption of legitimacy of animal use. In conclusion, in 'Re-evaluating the individual', individuation was suggested as the primary mode of understanding phenomena in moral terms, and argued to be crucial in any reevaluation our taken-for-granted paternalistic predispositions towards nonhumans.

For the ethicist then, mere appearance or taken-for-granted characteristics must prove wholly inadequate for any moral assessment of the meaning of species. Key to the arguments presented within this work is an acknowledgment that a focus on a morally founded species concept would necessarily require us to classify

species not as an essential characteristic of an individual, but rather as the sum of morally relevant characteristics of each individual *per se*. The pertinent point here is that this will of course demand that we reassess our prescriptive paternalistic presuppositions regarding the place and the definition of the 'individual' in wider nature. In sum, a morally founded species concept leads us to classify individuals according to the types of moral respect they require, and not according to a constructed conception of 'species' that is deemed to somehow *transcend* its aggregate components. A morally founded species concept, I will subsequently argue, is then both 'biocentric' and individualistic in essence. In chapter four an exploration of holistic responses to animal advocacy is undertaken. I argue that they too are largely ineffectual in creating an inclusive ethic that embraces the value of the individual within the whole, and likewise suggest that they carry with them the same sorts of presumptions of legitimacy of animal use that permeate the diverse strands of animal advocacy discussed thus far.

4. Ecocentrism and Animals: The New Stewardship Creed

> Environmental fascism and the rights view are like oil and water: they don't mix. Tom Regan, *The Case for Animal Rights*.[1]

In the previous chapter the idea of paternalism within animal advocacy was introduced in the context of conservation theory and practice. I will suggest in this chapter that what is generally understood to be 'environmentalism' is, in its many guises, decidedly holistically-driven in its frequently unquestioned acquiescence to the concept of 'preferred groups'. It is this presumption of the individual as valued to the degree of its systemic value to a greater whole rather than the value of each *individual* that persistently drives the rationale of most green thought.[2] An ecocentric approach and its efficacy for adequate animal protectionism will be discussed in the light of the central contentions of this work. Ecocentrism itself, although usually equated to a general form of nonanthropocentrism, comprises a particular form of nonanthropocentrism that represents a 'subset' of a broad-spectrum nonanthropocentric stance. Harold Glasser gives a useful working definition,

> 'Ecocentrism values ecosystems as wholes and defines value in terms of the well-being and flourishing of these ecosystems. Ceteris paribus, it tends not to differentiate between the relative value of an ecosystem's diverse constituents. Ecocentrism is an assertion of the intrinsic value of whole ecosystems and of each constituent' (1997, p.73).

Conversely, a general nonanthropocentrism, as such, offers little or no guidance for determining the relative value of individual members or ecosystems. This is not to say that nonanthropocentric views necessarily have no descriptive or theoretical substance, but that the term itself inevitably embraces diverse ways of looking at,

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[1] This is a key contention for Regan regarding prescriptive environmentalism (2004), p. 362.

[2] See Naess 'The Deep Ecological Movement: Some Philosophical Aspects (1986), Bill Devall and George Sessions, *Deep Ecology: Living As If Nature Mattered* (1985), and Warwick Fox in *A Theory of General Ethics: Human Relationships, Nature and the Built Environment* (2006), also for a broader perspective see an earlier paper entitled, 'Deep Ecology: A New Philosophy of Our Time? (1984).

and theorising about, the environment at large. The term is useful, not least as the descriptive antonym of the traditional anthropocentric view that has, for those who would describe themselves as nonanthropocentric in outlook, fostered what Stewart Davidson calls an 'epistemic disconnection with nature' (1995, p.321). From the nonanthropocentric position, traditional anthropocentrism has in large part failed to observe the sorts of pivotal interrelationships between the parts of the 'whole' that individuals experience as part of their own existence – a failure that has, as Alan Carter observes, brought humanity 'perilously close to undermining the very basis of its own continued existence' (1999, p.324). Naturally, in a straightforward unqualified sense, we cannot in any meaningful way avoid being anthropogenic if it is merely taken to mean that we inevitably perceive and interpret the world around us from a human perspective.[3] In an interpretation of the 'formal' use of anthropocentrism, Stephen Avery remarks that 'If it is accepted that we cannot break out of the 'hermeneutic circle', then it is naive to expect that we can avoid being anthropocentric in this formal sense of the term. Formal anthropocentrism, then, represents nothing more than the consequence of being human' (2004, p.35). What is centrally at issue in the context of the current argument is, however, not whether or not anthropocentrism in this sense may be unavoidable (and my ongoing claim is that it largely is), but rather what precisely it *is* that carries the burden of work within an adequate 'nonanthropocentric' environmental ethical framework.

Seeking an adequate environmental ethic

There are two provisional principal issues regarding what it is that may constitute an 'adequate' environmental ethic in our dealings with nonhuman animals - and by extension the domain of nature at large. There is the preliminary task of identifying what dispositions may be constitutive of an environmentally sensitive, appropriate, sustainable and effective interrelationship with the living and non-living world; and secondly, there is a need to identify what may be the appropriate *role* of pertinent

[3] An important distinction is to be made here between anthropogenic provenance and commonplace anthropocentric ways of thinking. See Glossary for a detailed explanation of my use and of the pivotal distinction to be made.

developed environmental 'virtues' (or indeed vices) within such an emerging environmental ethic.[4]

An adequate environmental ethic will, at minimum, need to provide a theoretical platform for promoting sustainable practices, policies and individual ways of life. The laconic problem is that there is certainly far less agreement regarding what is practically (and frequently theoretically) required in order to meet this 'general adequacy' condition. Notwithstanding these difficulties, it is clear that any 'adequate' ethic must confront both theoretical and practical challenges. Minimum criteria for a proposed adequate environmental ethic are that it should then:

1. 'Provide a theoretical platform for reliable, sustained and justified critique of environmentally unsustainable practices, policies and lifestyles.
2. Provide action-guidance – i.e., recommend a course of action – in concrete situations regarding individual or communal interactions or relationships with the natural environment.
3. Provide arguments, reasons, and/or justification that are efficacious in moving people to adopt or implement the solutions that are recommended'.[5]

Herein, the first and second of these proposed necessary conditions are theoretical, the third is largely practical in nature. These necessary conditions for a supposed adequate environmental ethic perceptibly present complex challenges. Indeed, fundamental questions over the adequacy of any ethical framework (whether founded upon a virtue, consequentialist, rights based, intuitionist or a pragmatic basis) to wholly address these conditions, are of course the very substance of contemporary ethical discourse and debate. The proposed biocentric individualistic view that challenges the legitimacy of animal use advanced later in this work is of course no exception. The preliminary task of identifying what dispositions may be constitutive of an environmentally sensitive, appropriate, sustainable and effective interrelationship with the living and non-living world is however wide-ranging in nature - in that we can *variously* be disposed to treat nature as something to be studied, subdued, feared, 'separate', sublime or mysterious. Theoretically speaking,

[4] Although it may well be imagined that there are of course several criteria for determining 'adequacy' here, Ronald Sandler makes this useful 'preliminary' distinction relevant to the purposes of the current argument in discussion of his take on a virtue based ethic, in 'Towards an Adequate Environmental Virtue Ethic' (2004).

[5] Sandler (2004), p.479.

an individual may be viewed (and/or view themselves) as anthropocentric or non-anthropocentric in outlook, but in practice, the dichotomy between anthropocentrism and non-anthropocentrism is of course not so coarsely drawn as theoretical posits intimate. As intimated in the closing remarks of the previous chapter most of us display a ready mix of all of these dispositions and theoretical leanings towards nature at various times and in diverse instances. Nevertheless, the particular dispositions we may hold towards certain aspects of our interrelationships with nonhumans inevitably provide distinct normative force in discerning the sort of theoretical and practical criteria for a proposed adequate environmental ethic. However, such an ethic, if it is to provide the requisite normative force that has bearing upon moral agents *qua* moral agent, will nevertheless need to address the above tripartite considerations of the minimum criteria for a proposed adequate environmental ethic - irrespective of the theoretical ethical grounding. For example, if it is proposed that ecological sensitivity is 'normative' for all human moral agents, it must be substantiated that its normative moral force does not depend merely upon one's desires or views if it is to present a rigorous challenge to alternative perspectives. In short, the challenge must be to attempt to provide a 'neutral' framework for adjudicating between - and assessing competing - individual and cultural claims. This problem of 'neutrality' is of course not a problem restricted to the domain of environmental ethics, but nevertheless as a minimum starting point a requisite ecological sensitivity may fairly be included (or at least not excluded) in any such theoretical platform. It is arguable that a purely 'virtue' based call to greater ecological sensitivity can have the normative wherewithal to function as an alternative to traditional approaches to environmental ethics, *but it is* likely that this disposition will figure in some form or another in any such theoretical approach to our ethical obligations to the nonhuman world.[6]

If we are to attempt to characterise ecocentric ethics in relation to animal advocacy, then acknowledgment that a definitive characteristic of such is that the diverse forms are usually rooted in holistic metaphysics. Put somewhat simplistically,

[6] For a comprehensive critique of the place of virtue in normative models see Carolyn Merchant's work in which she formulates these central themes, in *Radical Ecology: The Search for a Livable World* (1992). I also discuss my reservations regarding virtue in the context of the biocentric approach in 5.4, 'A comparative analysis of the biocentric approach' in critique of my biocentric approach and Taylor's – see, 'The problem with virtue' in this regard.

the central assumption of a broader ecocentric ethic is, therefore, that everything is connected to everything else – if one part is removed or modified it has a causal effect on other parts; that the whole is greater than the sum of the parts; and that knowledge is context-dependent (Merchant, 1992). In this sense each part takes its meaning from the whole; biological systems are not closed systems, but open and process driven (they are continually changing); and that there is (should be) a unity of human and nonhuman nature – as opposed to a purely dualistic worldview (namely, some recognition that humans and 'nature' are part of the same ecology).

4.1 Shades of Green

Ecocentric ethics do of course encompass diverse views and positions. The traditional anthropocentric (or sometimes 'egocentric') view, has been challenged by what are seen to be 'ecocentric' moral theories which are, very broadly speaking, characterised by a moving away from a solely human-centred view. Extant egocentric ethics underlie much political and ethical discourse and of course carry with them the historical culmination of supplementary religious, political and ethical assumptions that continue to permeate much of western culture. A strict egocentric ethic has been historically associated with the mechanistic worldview and more recently free market capitalism (Damasio, 1994). Conversely, ecocentric ethics informs diverse groups including many 'greens', deep ecologists, bioregionalists, ecofeminists, spiritual ecologists and many organic producers (Carter, 1999). In addition, some who would see themselves as 'environmentalists' arguably lean towards a decidedly anthropocentric ethic – one that seeks social justice as a chief goal, and motivates groups such as social ecologists, socialist ecofeminists and 'left' greens among others.[7] There has then, remained an underlying tension between a mechanistic view and what may be termed the organismic: one based on the cosmos of the Renaissance that imbued the world with a 'living character' comprising elements of earth, fire air and water. In large part, the mechanistic worldview has

[7] Murray Bookchin's social ecology is a high profile case in point (1982, 1986 and 1989).

therefore come to be associated with a broad anthropocentrism, whilst the organismic viewpoint characterises much nonanthropocentrism.

Some parallels

A key element of green thinking in relation to the themes of this work is that much like the welfarists and conservationists discussed previously, many green political theorists propose 'working with the system', and (primarily in the last 15 years or so) have come to largely accept that the familiar liberal representative state cannot, and probably should not, be transcended. As Steward Davidson puts it, 'References to 'green states', 'eco-states' and 'ecological states' – terms which would once have been considered oxymoronic by greens – are now commonplace within environmental literature'.[8] Importantly for this work, this position mirrors key observations made in chapter two and chapter three in relation to new welfarism and conservationism. In chapter two the new welfarist 'piecemeal' approach to animal welfare, one characterised by its project to seek to work from within the current (abusive) system in order to attempt to secure incremental animal welfare improvements, was challenged.[9] Likewise, similarities can be drawn with the paternalism of much conservation practice and policy contested in chapter three. It was similarly argued that this approach to animal advocacy is fundamentally problematic - in that it posits that any duty of care be legitimately worked out in the form of 'nonanthropocentric' theories of value, whilst concurrently invariably committing to the 'accepted' normative anthropocentric model as a basis for determining conflicts of interest between humans and nonhumans.[10]

Regarding the forms of animal advocacy that welfarists, conservationists and likewise greens promote, there is in this shared tacit acquiescence to convention an inevitable blunting of the radical edge that, arguably, ought to rightly characterise these diverse forms of animal advocacy. Despite disagreements on matters of ontology, ethics and focus, the 'loss of innocence' as Davidson terms this manner of acquiescence to extant values, forms a common thread in respect to these diverse

[8] Davidson makes this point in defence of ecoanarchism in 'Ecoanarchism: A Critical Defence' (2009).

[9] See Chapter 2.3 'The Problem of Welfarism' for an extended discussion of the problems of a new welfarist approach.

[10] See Chapter 3.3 'Managing Mismanagement: The End of the Individual' for further analysis.

(and arguably incompatible) views.[11] I have argued in chapters two and three that such acquiescence in extant value systems present serious problems of application of theory to practice. These problems do not however merely represent convoluted ontological or epistemological praxis, but promulgate dire life and death consequences for countless nonhumans.

It is reasonable to suppose that for many, finding a philosophically adequate justification for intrinsic value within the nonhuman sphere is the principal axiological problem of environmental ethics. The broad problem for ecocentrism is one of finding *substantive justification for the intrinsic value of nonhuman species*, which in turn may be partly or wholly dependent on the particular circumstances prevailing. A further difficulty lies with the impenetrability in ascribing *observable* objective and intrinsic characteristics to nonhuman entities (Merchant, 1992). Can we, for example, rightly say that a meaningful ecological 'ethic' persists when ecology itself is forwarded as an 'objective science' rendering ethics as representing little more than a subjective value system? Excepting an elongated exploration of these sweeping definitions, it can at least be recognised for the sake of current argument that the connections between 'nature' and human values are complex and convoluted.

Radical agendas

Within the broad remit of environmental thought, how these connections between so-called nature (and indeed how nature itself is defined), and the ways that human values are theoretically proliferated are unsurprisingly diverse. As an example of this diversity within the wider debate, and how such interpretations inevitably inform upon the delimitations of our perceived moral obligations to nonhumans, I will here adumbrate an 'ecocentric' view that diverges from the 'normative' notion of ecocentrism in order to illustrate this point. The anarchist philosopher Murray Bookchin envisions a type of ecocentrism that takes as its basis a form of social ecology. For Bookchin this is characterised by a mix of process, diversity, holism, and the balance of nature. This view is normatively deemed as anarchic in aim - in that his particular form of social ecology would eliminate hierarchical structures

[11] Davidson uses this term to express what he refers to as the 'step back' from anarchist green first principles, p.48.

across ecology and society in enlivening organic non-hierarchical relationships.[12] Preliterate societies, he maintains were organic in nature with a far greater degree of egalitarianism. Although, on this account, there were 'differences' based on age, gender and kinship, these societies did not see themselves as necessarily superior to nonhuman nature and were, in this sense, a 'unity of diversity' that embraced an unfolding of the processes of life. For Bookchin then, a primary goal of social ecology is to abolish the dualisms inherent in hierarchical society, and create an 'ecology of freedom'. This would reunite the human with wider nature and each other. For Bookchin, this does not mean a return to some concept of a pre-industrial utopia, but rather that his social ecological vision would *embrace* the advances in science and technology under an ecological way of living within the world.

For the purposes of this work, Bookchin's theory as sketched here, is particularly notable in making a clear distinction between ecology and what he sees as environmentalism. Crucially, for Bookchin, environmentalism does not challenge the underlying institutional practices endemic to capitalist society – but rather in diverse ways 'facilitates' both intra-species (human to human) and inter-species (human to nonhuman) interrelations. A useful way to appreciate this ecological perspective that challenges the presumed hierarchy within nature is to envisage the ecosystem as a *'food web'* and not as the oft quoted *'food chain'* (at least not so in 'hierarchical' terminology). On this account, this is a continual process of interaction between human communities and natural ecosystems that occur as they concurrently 'evolve' – in essence, the idea is that nature is transformed, as human society is transformed.[13] Crucial for an awareness of this interactive process (and for later argument) is a sympathetic assent that homo-sapiens are a result of an evolutionary process that has both biological (animal) provenance as well as a social and cultural (human) evolutionary development. To avoid ecological collapse Bookchin argues that humans must acknowledge that they need to live within bioregional communities – which set 'natural' limits on the range of human activity in that human activities are 'scaled' to appropriate local conditions and requirements. This decentralised vision, echoes a central tenet of anarchist thought, that *'without*

[12] For an in-depth exploration of Bookchin's social ecology and eco-anarchic theories see *Remaking Society* (1989), *The Modern Crisis* (1986), and *The Ecology of Freedom* (1982).
[13] Alan Carter makes these distinctions in *A Radical Green Political Theory* (1999).

rule does not mean without rules' (1999, p.14). In contrast to a deep ecological view discussed at length below, the social ecologists see the underlying environmental crisis as having its basis in the dialectic between the institutional structures of society, whereas deep ecology conversely, views the problem as one of fundamental conflict between the mechanistic worldview and the organismic. Deep ecology can therefore be said to focus its approach '...upon eliminating the perception of fundamental people/environment and spiritual/physical cleavages', and that therefore '....one of its primary goals is to help eliminate environmentally degrading practices and policies by helping individuals avoid pseudo-rational thinking' (Glasser, 2007, p.83).

This brief digression exemplifies well the subtleties and diversities extant within environmentalism at large, and serves to illustrate the extent to which our theoretical underpinnings inform on the delimitations of our moral obligations to the nonhuman world - and the living beings within it. An ecology based upon (human) 'social' criteria such as Bookchin's is, for example, certain to weigh up our moral obligations to individual nonhumans differently to a 'deep' ecology based upon holistic (interrelationist) concepts of nature. The key observation to draw here is that given their theoretical foundations (social and ecological respectively), both nevertheless are equally likely to fall short of an ethic that recognises a thoroughgoing equal consideration of interests for *individual* nonhuman animals.

The 'ontological holism' of deep ecology

Deep ecology itself, for example, is ostensibly not advanced as an 'ethical framework' – one that seeks to formulate a legitimate basis for our moral obligations to other beings, but rather is better described as a paradigm borne of a sense of a deepening ecological crisis. Unlike the example of Bookchin's social ecology, its focus is not upon political and social infrastructures, but rather it centres its project upon a 'transformation' at the level of human consciousness and perception of the interrelatedness of nature and our place within it. In this, it is clear that the underlying aim of deep ecology does not merely concern itself with institutional reform for example, but seeks to legitimise 'new' social and economic paths to global sustainability. For supporters of a deep ecological worldview, the earth is perceived as a nurturing and 'living' organism, and one that enlivens a cultural constraint to

overt exploitation of the nonhuman realm. Such constraints, it is hoped, imbue a culture with 'subtle' ethical restraints or sanctions expressed in the normative 'oughts' or 'ought-nots' of given cultures. This view is clearly ambitious, and for deep ecologists necessarily and fundamentally divergent from the so-called 'shallow ecology' of much mainstream environmentalism that views humans as separate from their environment, fomenting a 'human apartheid' wherein humanity is distinct from 'nature'.[14] The 'shallow' environmental position is further criticised by deep ecologists for its limited emphases on the opposition to pollution and the depletion of resources as core to it central aims. In contradistinction, the deep ecology movement is not only concerned with these kinds of problems (which of course are significant) but with nothing less than a proclaimed revision of the place of the human and nonhuman in nature.

Deep ecology is in this regard an ontological principle, in that it concerns itself with the very nature of being (our place in nature and the biospherical web of life). As Warwick Fox puts it, deep ecology 'is concerned to criticise mechanistic materialism and to replace it with a better 'code for reading nature'. This code can be generally described as one of 'unity in process'. By this is indicated both the idea that all 'things' are fundamentally (i.e., internally) related and the idea that these interrelationships are in constant flux' (2006, p.195). The underlying principles of this ontologically based worldview are in fact shared by many people who are concerned in one way or another about many of the ways in which humankind is adversely impacting upon the biosphere and the unconsidered effects of runaway anthropocentrism. For sure, it is a common enough shared human phenomenon that through an appreciation of nature, wonder at the diversity of life on earth, and the aesthetic appreciation derived from 'experiencing' the awe of natural landscapes that a realisation of our embeddedness in nature is fomented and nurtured. If, as Alan Carter suggests, these sorts of considerations are what a 'spiritual' experience boils down to, then this view of nature is unlikely to illicit objection from most.[15] Problematically, for many deep ecologists, their ontological reading of the environmental crisis and the appropriate human response is viewed as 'deeper' than

[14] Warwick Fox offers this division in his paper, 'Deep Ecology: A New Philosophy of Our Time (1984).

[15] Carter critiques and challenges the 'spiritual' dimension of elements of deep ecology (1995), p.331.

the calls for greater human/animal egalitarianism - such as voiced by many animal protectionists for example. For many of its advocates, this 'radical' path demands of the individual a new philosophy of self – one ultimately recognising the interconnectedness of community.[16] I submit that there is in the kernel of their ontological view the idea that metaphysics and ethics are inextricably interwoven. In illustration of this, Michael Zimmerman draws the distinction between deep ecology's ontological commitment and his assessment of animal ethicists in claiming that,

> 'Deep Ecologists maintain that in the long run (if there is a long run) humanity must move to a new understanding of what humanity and nature are....Emphasising the need for an ontological shift differentiates deep ecologists from ethicists who seek to extend 'moral considerability' to nonhuman beings. Deep ecologists argue that a change in ontology must precede a change in ethical attitudes' (1993, p.198).

I contend that there is problematic disquiet lurking within the ontological remit of deep ecology however. To possess a profound ('deep') appreciation of the natural world does not of course necessarily entail that one needs to be a strict holist in the 'deep' sense that is tacitly implied in Zimmerman's claim, or indeed that one must subscribe to an ontological shift in perception – if in fact such a requisite paradigmatic shift in human perception is even a psychological possibility - or evolutionarily desirable - for humankind to embrace. Clearly, any call for mass radical change is sure to face serious opposition, and in the case of the paradigmatic shift that deep ecology demands, the alternative ontology will need a thoroughgoing pragmatic basis if it is to convince individuals to 'radically' change. Such a claim also begs the question of the possibility of 'ontological change': if the requisite task is to 'change' ontology, then the 'ontological' question remains as to *which* ontology is to be revised – and if an 'egalitarian' inter-relative based one, how might this be

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[16] At this juncture it is noteworthy that I am not of course suggesting that 'deep ecology' is the only (radical) form of ecological protectionism. For example, J. Baird Callicott has advanced an influential environmental philosophy grounded in his conception of 'the land ethic' (see assorted works 1988, 1989, 1992, 1998, 1999 and 2005). For some further readings on the diverse theories advanced under the 'green banner', see Holmes Rolston III, 'Environmental Ethics: Values in and Duties to the Natural World' (1991); Arne Naess, 'The Deep Ecological Movement: Some Philosophical Aspects (1983); Paul Taylor's *Respect for Nature: A Theory of Environmental Ethics* (1986); Eric Katz, *Nature as Subject: Human Obligation and Natural Community* (1997) ; and in this particular context J. Baird Callicott's seminal work, *In Defense of the Land Ethic: Essays in Environmental Philosophy* (1989).

understood? This ontological conundrum is aptly characterised by Thomas Nagel as a *view from nowhere,* in attempting,

> '...to view the world not from a place within it, or from the vantage point of a special kind or awareness, but from nowhere in particular and no form of life in particular at all. The object is to discount for the features of our pre-reflective outlook that make things appear as they do, and thereby to reach an understanding of things as they really are' (1989, p.208).

The pertinent point as I see it here is that to seek 'a view' from a non-relativistic point that entirely abstracts from our biases and prejudices, and effectively ignores how particular ontologies become manifest (and in this case the 'ontology' of anthropocentrism), is to seek a 'view from nowhere' and in practice unlikely to convince, in and of itself.

Moreover, animal rights advocates who would seek to ('merely') extend moral considerability typically (and certainly every animal ethicist that I have met) do in fact possess a 'deep' (and well informed) appreciation of nature and the diversity of life on earth. For example, the 'radical' proposition of a biocentric view (that claims it is the possession of 'life' itself whereupon moral considerability is to be determined), despite its ambitious and challenging remit, does not however make the lofty claim that some 'ontological shift' in human perceptions on mass is prerequisite to a morally valid applied ethic. It is perfectly feasible, I believe, within the framework of a consistent and rigorous ethic to 'reassign' moral import to the possession of being as the starting criterion for moral deliberation, without first demanding that one embraces some 'deep ecological epiphany' about the very nature of nature - more of which will be examined in the next chapter.

In fact, the commitment to an ontological holistically based worldview takes many (troubling) forms. For example, one approach that has developed from a deep ecological perspective is what is generically termed 'new age' holism.[17] This is frequently characterised by a tendency to move away from the normative post-enlightenment analytical project of discovering nature's 'truths' through observable and empirical research (a professed basis for 'mainstream' holism by many of its advocates), toward a 'spiritualised' identification with nature itself. In this context

[17] See Alan Carter, *A Radical Green Political Theory* (1999), p. 80, for a discussion of the implications of new age holism in the light of individualism.

holism takes on a highly subjective character, and arguably this interpretation of a personalised 'interrelationism' within nature as a whole ostensibly relies on an overly eclectic notion of holism. A problem from the point of view of an individualistic position such as advanced in this work (and also true of more 'credible' forms of ecocentrism), is that *all* atomic phenomena become defined and determined primarily by their *connection* to the whole (and not necessarily their contribution to such, or their 'intrinsic' worth). I contend that this way of amalgamating discrete entities into a collective homogeny speaks less of an interrelationism based upon extant real world interdependencies and symbiosis, and more of a desire to form an environmental ethic (or quasi-religious creed?) that troublingly accentuates the connections between phenomena *over* the phenomena itself. Deep ecology's holism in this guise is not benign. Rather than proclaiming a clear interconnectedness that enjoins all things and challenges our perception of being, paradoxically, in its attempt to create a 'whole', deep ecologists *recreate* a spiritualized pantheistic 'other'. Thus, an ontologically based interrelationism on this account is transfigured into a mystical interpretation of matter - that in pantheistic tone makes nature God, and god Nature. Rather than forging a deeper understanding of an interconnected world, this form of holism obfuscates the particular, and the importance of *distinctiveness* in nature. Perhaps most troublingly for an individualistic view of animal advocacy, is that it obfuscates our understanding of our place in nature whilst concurrently lessening the importance of the individual within this place. All the while this form of spiritualised holism fails to form any clear ethic for directing our moral obligations to extant discrete individual nonhuman beings.

Much like other forms of holism, such as scientific and axiological holism (discussed shortly), the particular form of ontological holism arising from a deep ecological view claims that constituent parts must not be viewed as isolated individual entities, but in terms of their connection to the whole (Fox, 1984). The central issue for an individualistic view is, again, that there is an assumption (albeit a tacit one in this form of holism) that we are unavoidably confronted with a dichotomy between individualism and holism. This is not to argue that there *is not* necessarily a divergence from this perspective, or indeed that holists are wrong in rejecting a 'narrow' individualistic account that ignores the importance of connectivity and

community, but rather that the interrelations between and amongst individuals are not as readily subsumed into a collective whole as this view suggests.

Carter's Interrelationism

Are then the central tenets of holism and individualism mutually exclusive and jointly exhaustive? In short, must we reject individualism if we are to embrace holism, or in emphasising the importance of the individual in nature are we then required to necessarily discard holistic approaches? This central question is the principle theme of the subsequent and final chapter. However, in the context of the deep ecological stance sketched here and its import to animal advocacy, Carter himself suggests a 'middle way' that is neither strictly holistic nor individualistic, which he calls 'interrelationism'.[18] His alternative ontology is focused upon interrelationships to others, rather than the emphasis that a strict deep ecological approach gives to numinous connections to a 'mysterious' and spiritualised 'whole' (1999, p.335). For Carter, inclusion of the connections between the 'parts' in any formulated theory is essential, however, he criticises ontological holism for introducing a spurious set of connections between the parts: namely, the 'connections' posited *between* the parts and the whole. Spurious, on Carter's view, because the parts of a whole are simply not connected to the whole, but are connected to the rest of the whole (more *directly* connected). Carter clarifies this with a logic example,

> 'If a whole W consisted of parts A, B and C, then to talk of C being connected to W would be to talk of C being connected to A, B and C. An extra C has been conjured up out of nowhere! Similarly, to talk then of A and B being connected to W is to conjure up an extra A and B. We have now conjured up an extra A, B and C – in other words, an extra W – a whole new whole! Out of nowhere has emerged this totality standing above all the parts. Rather than such a holistic talk showing the interconnectedness of everything, it turns the whole into something other, for what apart from something other can one be connected to?' (1999, p.335).

Simply put, Carter is advocating that we better view our place in nature from within it, and not as if it were something external to which we are *connected*. In this respect interrelationism focuses on our relationships to each other and the

[18] Carter's interesting take on interrelationism is sketched very briefly here, for a fuller rendering see Carter (1999), pp.334-40.

interdependencies of each relational component. Further arguments that focus upon these kinds of ideas of interrelationism raised by Carter and others will be considered in the context of a biocentric approach in the next chapter. There remains however a question of how ideas of interrelationism square with normative holistic theories of value concerning our dealings with individual other-than-human beings.

4.2 Holism and the individual nonhuman

The polemic quote from Regan which forms the epigraph of this chapter contrasting what he terms environmental fascism with the rights view is, I believe, not merely an indictment of environmental holism and its consequences for a rights-based position. Regan is here making a serious charge against a holistic understanding of the environment in highlighting a fundamental and problematic dichotomy of thought within ecophilosophies at large. For Regan 'what holism gives us is a fascist understanding of the environment' (2004, p.372), one that is in his view 'totalitarian' in concept - in that it unavoidably subsumes the interests and rights of individuals under notions of systemic value.[19] Certainly, as David Goodin observes, '...a key issue in the modern environmental debate is the ethical locus of ecosystems as collective wholes versus that of protecting individuals' (2007, p.419). For our purposes, James Sterba gives a useful working definition of holism and individualism,

> 'According to holists, the good of a species, or the good of an ecosystem, or the good of the whole biotic community can trump the good of individual living things. According to individualists, the good of each individual living thing must be respected' (2006, p.157).

The holistic viewpoint sketched in this preliminary context is derived from a concept of the 'good' of the biosphere as a whole – in effect one that subordinates the good of the individual to the good of the whole. Others too have examined the holistic approach in the light of individualism. Eric Katz argues that a holistic understanding of the environment (and of course this must include the living creatures that form part

[19] See also Marti Kheel's take on radical environmental holism in her ecofeminist work, The Liberation of Nature: A Circular Affair' (1985), pp. 135-49.

of it), is problematic primarily because it deemphasises individuality to the degree that individual animals can readily be *substituted* for one another in cases of loss. For Katz, this 'substitution problem' has severe moral implications, as at minimum it necessarily severely weakens respect for the intrinsic value of individuals (1985, pp.241-56). Building on this reticence, William Aiken holds that the actual implications of holism would be nothing less than the total loss of individual rights.[20] Further, in a seminal paper, Mark Sagoff austerely concludes that holistically based environmentalism is simply not compatible with animal rights.[21] Moreover, as Don E. Marietta remarks in his discussion of the charges against holism, 'These charges against, and reservations about, holism are serious. If they are well-founded a holistic approach to the environment is a rejection of humanistic ethics, with its concern for individual worth and individual rights'.[22]

This is serious indeed, if holism as a project overturns the very basis of humanistic ethics and individual rights. Of course, the validity of this lofty claim depends on the interpretation of the scope of such an ethic and whether or not such a holism necessarily requires that human interests sufficiently be considered *only* as part of some larger whole. Notwithstanding, arguments are often radical in conception and ramification, for example, Baird Callicott controversially argues that the extent to which environmentalism itself is *biocentric* may be measured by the extent to which it is *misanthropic*.[23] There is however, I suggest, a common thread: there is a general consensus held in all of the above viewpoints that there is at least some 'in principle' concession to human needs over nonhuman needs in cases of direct and unavoidable conflicts of interest and that a considered environmental perspective should not on balance override human ethical concerns for the human community.

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[20] William Aiken, 'Ethical Issues in Agriculture', in Tom Regan, ed., *Earthbound* (1984), p.269.

[21] See Mark Sagoff's critique of the irreconcilability of a rights based view in the light of holistic environmentalism in 'Animal Liberation and Environmental Ethics: Bad Marriage, Quick Divorce', Report from the center for philosophy and Public Policy (1984).

[22] See Don E. Marietta's discussion regarding the form of holism adopted and the logical outcomes of a holistic approach in 'Environmental Holism and Individuals' (1988), p. 252.

[23] Although later backtracking somewhat on his original claim, Baird Callicott in discussion of the diverse aims of animal liberation in the light of wider environmentalism famously makes this distinction that continues to influence the wider debate, in 'Animal Liberation: A Triangular Affair' (1979), p. 326.

The 'credibility' of holism

Nevertheless, as these diverse views readily illustrate the arguments for and against a holistic understanding of the environment and its perceived implications for an individualistically based ethic are polemic and frequently contested within the wider debate. The legitimacy of a holistic approach to understanding our place in nature - and by extension the extent of our moral obligations to nonhumans - is nonetheless, in large part, frequently and widely unquestioned. This seeming credibility of a holistic ethic towards nature in the public consciousness carries an authoritative sanction that individualistic rights-based understandings of our moral obligations to nonhumans seem to lack within the wider public arena. Don E. Marietta outlines three possible reasons for this presumption of holistic legitimacy: holism as 'scientific'; holism as 'axiological'; and holism as 'deontological' (1988, pp. 254-56). The 'scientific' view that a holistic approach to nature at large reflects a 'deeper' and well-founded empirically based understanding of the interrelatedness of all living things is widely accepted. It is of course perfectly reasonable to accept a substantive evolutionary perspective on the origin and development of species in a 'species' specific way; one that acknowledges the interdependency of species within the biotic community.

A difficulty arises however in that 'scientific holism' may not merely be expressed in strict evolutionary or ecosystemic terms, but is frequently expounded also in terms of concepts such as 'family', 'kinship' or 'nature's economy'. It is these latter descriptions of the interrelatedness of nonhumans to each other (and to us humans) that potentially 'overlays', what is at root, merely a straightforward taxonomy for a methodical classification of species within their respective evolutionary niches. Scientific holism used in the *benign* descriptive and systematic sense of observable relationships within and across species – what Alan Carter calls 'an environmentally benign interrelationship' (2004, p.320) - is of an entirely different order to the 'conceptual model' that value-laden terms such as 'family' or 'kinship' inevitably evoke. Expressing and emphasising the interdependency of species in these emotive anthropogenic terms undoubtedly forms a useful educational model, and one that may present to a wider audience an understandable cursory conception of the complex workings of nature. However, few scientists or indeed philosophers would claim that this model equates in any meaningful way to recognition of some

elusive form of holistic 'oneness' that is somehow embedded in nature, or that interdependencies are conceptually rigid and fixed - rather than fluid and dynamic in disposition. For example, a holism denuded of its overt emphasis on the *intersections* between species, returns us to a conception of species as comprising not of systemic interrelationships, but one that reemphasises the members and the species' membership of individual organisms. Holism in this sense then, gives us at best, little more than a 'model' for understanding how species interrelate, rather than a 'model' for understanding our moral duties and obligations to those beings.

The second version of holism that Marietta proposes is 'axiological' holism and is related to the scientific form of holism that emphasises the intersections between species, in that the notion of axiological holism ascribes value on the basis of the systemic 'role' that an organism plays. Moreover, much like the idea of scientific holism, axiological holism is no one thing, and in its more extreme form the value of an individual organism exists *entirely* in the contribution that it makes to the ecosystem as a whole. Less extreme axiological forms nonetheless also tend to take the 'big picture' view, and share in common the notion that it is the contribution made by organisms that determines the (variable) value of that organism. Clearly, this displacement of value *from* the individual is problematic for a rights-based individualistic viewpoint as any 'inherent' value that a being is deemed to possess as a subject-of-a-life in its own right for example, is at once relocated *from* the individual subject-of-a-life to that of a 'subject-of-*the*-life' of the ecosystem at large.

Thirdly, 'deontic' holism holds that moral standing (and consequently subsequent moral duties) derives from membership in the biospheric community. This form in a sense conflates the scientific and axiological versions in that it treats any obligations to the 'whole' system of nature as one aspect of moral duty. If scientific holism sets up a credible way of looking at nature (and the nonhumans that inhabit it), and axiological holism attempts to legitimise a shifting of concern away from the individual to its contribution to the whole, then deontic holism gives licence to the idea that the primary moral concern must lie with our duties to this 'whole' (Marietta, 1998, pp.250 -254).

Taken together then, these forms of holism present a three-pronged argument for a 'moving away' from atomistic views in favour of holistic worldviews, and often these positions are viewed as polar opposites - atomism at one end of the scale and

holism at the other.[24] As Marietta points out, the central problem for this approach to the nonhuman world is that all too frequently...

> 'Holism is taken beyond its basis in biological science and treats both persons and the systems of nature as abstractions, without attention to the actual individuals of which the system is composed. The system of nature is no longer the interworking of organisms and inorganic features of which we have actual knowledge. Interdependence becomes an abstract notion. It is thought of in vague images and terms; symbolic thinking ignores the things which are out there in the world. The whole is not simply greater than its parts; it becomes a vague concept in which the parts become hazily perceived or lost' (1988, p.256)

This sort of abstraction is unduly reductionist, in that the individual is subsumed into the sum total of the whole, and as such is perceived of as merely a 'functional part' of that whole. In short, from an ethical perspective, the moral worth of any individual is relocated with reference solely to its *relational membership* to the totality. If, for example, we were to apply a similar raw reductionism to humans in like manner - defining a person in terms of biological concepts alone, we would necessarily ignore the plethora of other notable capacities and functions such as the psychological, aesthetic, moral and spiritual elements that go to 'make up' that individual. Indeed, 'individuality' itself is likely found precisely in the unique distribution of these latter qualities rather than descriptive (and prescriptive) biological function. This view would therefore be deemed reductionist in this instance in that it considers primarily, *functionality*, and largely ignores *humanity*. Viewed then in a wider sense, holism, in reducing the individual to an abstraction, considers only a small part of what is generally thought of as 'humanness' – or importantly in the context of this thesis comparative notions such 'dogness' or 'whaleness' for example. I contend that it is likely the case that the underlying appeal to a holistic viewpoint resides less in its proclaimed (pseudo)scientific basis or its 'big picture' systemic worldview, but more in its 'ease of use'. The reductionism that a holistic stance engenders may have appeal by virtue of the seeming 'short circuiting' of the inevitably difficult and complex decisions that traditional ethical concerns must confront when in tension with contemporary environmental concerns. The conflicts between traditional perspectives and the challenges that environmentalism brings are of course the

[24] See Eric Katz for a discussion of the fundamentally skewed aims of holistic and atomistic worldviews in 'Organism, Community, and the 'Substitution Problem' (1985), pp.241-56.

lifeblood of much environmental ethical deliberation. However, giving due consideration to one specific aspect of this complexity is, in ironic tone, to *ignore* the 'whole' picture in the mistaken belief that 'all' of ethics can be subsumed under a rigorous holistic ethic. After all, an all-encompassing holism must equally apply to our human domain as much as the nonhuman one, and cannot readily be extracted from human ideas and ethical frameworks any more than it can exempt any other aspect of nature. Simply put, holism as an ethical response cannot disassociate itself from human animals whilst seeking to apply its abstractions to nonhuman animals. Traditional ethics is therefore in unavoidable conflict with a holistic view, as holism must seek (at least in its more extreme forms) to view the value of an individual as existing entirely in the contribution that it makes to the whole – a view that no traditional mainstream theoretical framework embraces.[25] That holism is in conflict with traditional ethics does not of course in and of itself invalidate its central claims. It is perfectly possible that future generations faced with difficult environmental decisions will deem it necessary to adopt forms of environmental fascism and implement sundry draconian measures to assuage disaster. In such circumstance a holistic approach may provide a 'stripped down' account of our moral obligations to confront such challenges. But, this is certainly not to endorse what would effectively be the 'end' of the individual, or to suggest that such measures would not follow by an inexorable logic from holism's abstractions.

'Different' individualisms

A central and persistent difficulty that can be draw out from the apparent tenuous grip that our established moral concepts seem to have on conceptual groups or collectives is our 'familiarity' with established moral frameworks - that in the main deal with individuals, and not collectives. There is unsurprisingly certainly a wide consensus that individual humans are intrinsically valuable, and broadly speaking traditional theories differ primarily in the weight that they give to capacities such as self-consciousness and rationality - whilst concurrently maintaining the predicate of

[25] It is of course true to say that more radical versions of green thought argue for a fuller recognition of interdependency and 'oneness' with nature, additionally some religions such as Buddhism, for example, advocate a subsuming of self into the whole. However, traditional anthropocentric ethics have tended in the main to seek to place value not in the contribution that individuals can or may make to abstracted notions, but in extant human capacities such as rationality and sentiment.

acceptance of at least some idea of human intrinsic worth. The difficultly is therefore, finding a nonanthropocentric environmental ethic that could ground intrinsic value in nature. 'Nature' is of course an expansive term. The difficulty in formulating such a nonanthropocentric ethic is that the individualistic forms of animal rights and welfare - introduced in chapters one and two, and discussed in the light of paternalism in chapter three, largely delimit the moral scope of concern to those nonhuman animals that in some way or another 'interact' with humans. Therefore, any move from the *value of individuals* to the *value of species* is inevitably constrained in scope, in that the sort of animals that humans normatively interact with make up what is a demonstrably small percentage of life on earth. The perceptible stumbling block is that ethical frameworks that aim to give intrinsic worth to other (usually human-like) animals because of claims to subjecthood, sentience or demands for equal consideration of interests for example, do not forthrightly encompass the pantheon of creatures that preoccupy many environmentalists.

In the next chapter biocentric positions that attempt to ameliorate this disparity are discussed; at this point it is useful to note however that the 'boundary issue' endemic to any form of moral considerability beyond the purely anthropocentric, doggedly persists. Cryptically put, when attempts are made to broaden the moral horizon, wheresoever that horizon is 'situated' there will always remain something 'more' beyond the new horizon. For example, Paul Taylor in discussing distinctions between inherent worth and intrinsic value draws the moral boundary not at sentience and non-sentience as some individualists have done,[26] but between the living and the nonliving.[27] Again, moving the sphere of moral considerability one step further out from either straightforward anthropocentrism or mainstream animal protectionism simply begs further questions as to the success of defining any 'natural' stopping point once a 'familiar' boundary is dismantled. In Taylor's framework a firm grounding would need to be constructed to enable a clear distinction to be made between, for example, protozoan forms of life and atoms.

These observations notwithstanding, the fundamental difficulty remains: namely, that any move from the *value of individuals* to the *value of species* is

[26] By individualists I refer to the mainstream animal rights and welfare theorists, discussed at length in chapters one and two – esp. Regan and Singer.

[27] See in particular Paul Taylor's seminal work, *Respect for Nature (*Press, 1986) and also Rob Garner for a contemporary sentience based framework in *Animal Ethics* (2005).

inevitably constrained in scope. This difficulty for such a move highlights very real differences between individualistic accounts of moral considerability and holistic viewpoints. Elliot Sober gives an example of possible threats to the members of species of blue and sperm whales to illuminate the disparity,

> '... [a] holistic property – membership in an endangered species – makes all the difference in the world: a world with n sperm and m blue whales is far better than a world with n + m sperm whales and 0 blue whales. Here we have a stark contrast between an ethic in which it is the life situation of individuals that matters, and an ethic in which the stability and diversity of populations of individuals are what matter'.[28]

Some of the differences between animal preservationists (in the main holists) and animal liberationists (mostly comprising of individualists in one form or another) intimated in this example were discussed in the previous chapter. At root here is the persistent difficulty of assigning value based upon a contributory theory of function that is *independent* of the actual interests of individuals.

A critical needs approach

A theory of animal advocacy (and interestingly holists advocate that animals form niche contributions to systemic value – so may loosely be seen as 'animal advocates' in this limited sense) that is somehow 'independent' of the actual interests of individuals would all too readily seem to lay itself open to a charge of ambiguity. Nature is more than the sum of its parts, and to try to comprehend a *gestalt* holistic understanding of 'the whole' is likely to fail in the face of the inestimable complexity of interrelationships that must ultimately escape any deep understanding. As Stewart Davison tersely notes, 'Our knowledge of nature's workings is, and always will be, limited' (2007, p.315). Given then the problematic complexity of biodiversity and the interrelationships between and within species, in shifting the *value of individuals* to the *value of species,* it remains unclear as to how a given species specific contribution to the 'whole' may be assessed and quantified in any substantive and long-term way. It is of course true that if the yardstick is an anthropocentric determination of how particular 'contributions' may form negative or positive outcomes for human interests, then it is possible that such an approach may provide useful categorisations for assessing 'resource' allocation and use. This

[28] Cited in Agar, 'Valuing Species and Valuing Individuals' (1995), p.398.

overtly anthropocentric agenda does not however fairly reflect mainstream holistic approaches that ostensibly seek to form a structured contribution-based coherency within nature.

As holism turns upon a conceptual contribution-based framework, it would seem therefore that exponents of a holistic environmental ethic have failed to show that such an ethic *prohibits* morally unacceptable treatment of individual animals. In the main, in order to circumvent the claim to ambiguity, proponents of a holistic environmental ethic subscribe to some derivative of Aldo Leopold's oft-quoted dictum that 'A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends to do otherwise' (1966, p.240). Again, the l problem here is that although these criteria may well enjoin us to preserve species form destruction (and in some sense as a 'secondary' effect arguably preserve 'individuals' within these groups), it leaves actual individuals metaphorically out in the cold.

An animal rights-based ethic on the other hand *does* prohibit morally unacceptable treatment of individuals. As discussed in chapter one, in practice, rights-based views do nevertheless concede that in some instances of direct conflict of interests allowance for the favouring of the interests of humans over nonhumans is variously factored into the given theoretical framework. Despite the arguable anthropocentric undertones a 'critical needs' stance (critical needs here pertain largely to direct and 'unavoidable' conflicts of interest) seeks to place humans on an equal footing with nonhumans regarding matters of self-preservation and protection from harm in the struggle to survive.[29] I do not believe concession to a form of inherent protection of critical needs weakens an individualistic viewpoint or dilutes its central position – that of ascribing value to individuals, as opposed to a view valuing species or the contribution that they may make to the biotic community. In this respect an ethic that seeks to preserve the integrity, stability, and beauty of the biotic community and not the individuals that compose these elements, falls foul of the same sort of problems that many paternalistic forms of environmental management encounter.[30]

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[29] See the extended discussion in chapter one of this thesis in the context of, 'The Weak Animal Rights Claim'.

[30] See the discussion of paternalism in chapter 3, with particular reference to the arguments presented in the sub-chapter entitled 'Paternalism or a Reasonable Duty of Care?'

In sum, rights-based animal advocacy does in some instances of direct conflict of interests permit the favouring of the interests of humans over nonhumans, and this provision is then perhaps better understood as a *prima facie* right not to be treated as a mere means to another's ends, rather than a statement of unconditional equality in all circumstances. As Angus Taylor puts the distinction: 'Rather than saying that all sentient beings have equal inherent value, we could say that all sentient beings equally have inherent value' (1996, p.13). This idea is crucial to an understanding of the individualistic perspective argued for throughout this work, and indeed underpins the central theoretical conception of the biocentric approach that I suggest subsequently. In this way then, a critical needs perspective does not necessitate an obliteration of the distinction between human and nonhuman lives in instances of direct conflict where a choice between significant harm to one or the other is required. In short, an individualistically based critical needs view operates in circumstances of direct conflicts of interest - and this does not require humans (or in fact nonhumans) to relinquish their right to survival. This 'self-defence' qualification is frequently overlooked by supporters of a holistic approach in their critique of rights-based individualism. To clarify, Taylor summarises this view succinctly:

> 'We may significantly interfere with sentient beings, or intervene in non-sentient nature in a way likely to restrict sentient beings in their autonomous pursuit of satisfying their vital needs, only in self-defense, or when such action is required in order to satisfy our vital needs or those of other sentient beings. Further, we should promote the environmental conditions that foster the exercise of autonomy by sentient beings, to the extent that we can do so without harm to ourselves' (1996, p.17).

For many holists an individualistically based ethic is often interpreted as unrealistic, primarily because they tend to interpret the view as not sufficiently factoring in such imperatives as Taylor outlines – which for many environmentalists reflect critical aspects of 'nature' red in fang and claw. However, the environmental ethic evolving from a rights-based view that concedes legitimate self-defence (and in fact this is the 'normative' animal advocacy view), does not aspire to *guarantee* the well-being of nonhumans, but merely to posit the lesser claim that in practice these creatures should be free from overt adverse indirect or direct human interference wherever possible. Needless to say, in application, where one determines what constitutes

reasonable interference and what, how or when actions can be deemed direct or indirect remains problematic for any ethical theory.

It is important at this point to reiterate that in the main the subject matter of this chapter concerns itself with a critique of holistic approaches through the prism of rights-based individualism. Holists are primarily preoccupied with the contribution that nonhumans that lie outside of a strict domestic delimitation – so-called 'wild' animals - make to the wider ecosystem. The individualistic view, on my interpretation, is not in conflict with holism in the respect of its injunction to let animals live as much as possible according to their 'natures'. This does however mean that domesticated animals and wild animals are to be viewed (and treated) somewhat differently. On a rights view this does not equate to giving different moral weightings to domesticated over wild animals (or indeed, wild over domesticated beings), but simply to state that if an ethic is to embrace the injunction to let animals live according to their natures, then a distinction is necessitated between 'wild' and 'domesticated' *natures*. Companion animals arguably seem to flourish with intimate associations with humans, and it would be difficult to disentangle this associative 'domestic nature' from a companion animal's 'wild nature'. In this restricted sense no contradiction needs to exist between a critical rights view and the flourishing of natural ecosystems, as this view goes some way to reconciling the rights of (some) nonhumans with the satisfaction of critical human needs. The holistic account likewise recognises this element. What is more problematic however is that a framework that reallocates the *value of individuals* to the *value of species* countenances an ethically insupportable degree of human interference in nonhuman nature – the substantive subject matter of the previous chapter.

4.3 Hierarchy and the individual nonhuman

These sorts of ways of viewing the world around us that emphasise our relationships to each other and the interdependencies of each relational component do not merely pose metaphysical questions about endemic ways of thinking about the kinds of ways we construct the world around us (and this nominally descriptively equates to the 'nonhuman' world). Rather, they present us with the challenge of determining

how it is that these assumptions are so readily applied to our everyday relationships to the natural world. I submit that there is a strong tendency (at least in mainstream Western ideology) to think and act through a process of 'downward comparison' within a presumed hierarchical framework that frequently thwarts a meaningful application of an open interrelational framework (Bookchin, 1982).

I suggest that the tendency to stratify the nonhuman world is more than an 'inevitable' consequence of merely seeing 'things' from a human perspective - a 'straightforward anthropocentrism' if you will, or even perhaps the spectre of an emergent speciesism. Interestingly, this mode of categorising 'nature' has by no means been restricted in modernity to nonhumans alone. As a matter of recent fact, even other hominids have also routinely been subjected to this pernicious form of top down 'profiling'. For example, much anthropological and popular literature has repeatedly presented Neanderthal man as effectively stupid, indolent and lacking in sophistication – this despite recent strong and mounting evidence to the contrary arising from anthropological research.[31] There would seem to be something more than a mere tendency to stratification as a tool for simplifying the complexity of relations within and across nature occurring here, which I believe, largely stems from an entrenched, assumed, implicit and disquieting 'human chauvinism' that categorises the world by 'kind' and not by 'degree'.[32] This is a world created in 'man's image', a world created out of man's overt anthropocentrism.[33] Precluding a protracted critique of the 'human condition', convoluted metaphysics or ontological lines of reasoning here, there are, fortunately, more pragmatic concerns for an applied understanding of our interrelationships with other-than-human beings from this perspective. If for example, as discussed in the previous chapter, we are indeed to view humanity 'as a steward, a farm manager, actively responsible as God's deputy for the care of the world' (Hailwood, 2003, p.238), a simple question arises: if hierarchy (at least as we generally apply the term based upon ideas of constructed levels of 'legitimate' dominance) does not in fact *exist* in 'nature', what *is it* that

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[31] See the exhaustive empirical findings of João Zilhão et al, 'Symbolic use of marine shells and mineral pigments by Iberian Neandertals' (2010).

[32] Darwin maintained throughout his life that differences, although impressive, are always matters of degree and not of kind. See James Rachels, *Created from Animals: The Moral Implications of Darwinism* (1990), pp. 56-60 for an excellent discussion of this theme.

[33] See arguments presented in chapter 1 and 2 of this work regarding the consequences of overt anthropocentrism.

legitimises our 'schizophrenic' like wholesale abuse of nonhumans on the one hand, and our presumption of 'good' stewardship on the other?[34]

These questions further touch upon a preliminary wider theme that characterises contemporary environmental thought at large, that Bryan Norton argues has 'locked environmental ethics into a paralyzing dilemma, a dilemma that lies at the heart of most discussions of environmental values' (1995, p.344). For the most part, for Norton, this is the dominance of moral monism – the presumption that a single theory suffices to support a uniquely correct moral judgment in every situation. Whether or not the goal of seeking a unified, monistic theory of value that can adequately refute the 'legitimacy' of our presumed use of nonhumans represents a misguided mission as Norton argues – or is desirable or even possible in application, is clearly beyond the scope of this present work. What is however pertinent to the themes dealt with here is that monism, in attempts at formulating an all-embracing ethics (or in reality, what amount to theoretical approximations of such), all too easily separates the theoretical from the applied – and in the process ignores what Norton refers to as the 'messy details of everyday environmental management practices' (1995, p.345). Indeed, the central contention of this thesis throughout is that the *illegitimacy* of the very real relentless and daily tangible use of nonhumans for our instrumental gain goes almost entirely unchallenged in mainstream animal advocacy theory that largely tends to focus upon welfare, 'respect' or good stewardship.[35] In fact the 'messy business' of the *use* of animals is in itself, I believe, the key issue for animal advocacy. After all, 'using' animals is *what we do* in practice, and as I have argued for earlier, morally speaking, the issue is not one of *how* we use animals, but *why* we use animals. I will return to this key

[34] I use the term 'Schizophrenic' in the sense that we slaughter and confine animals on an industrial scale for trivial use, whilst concurrently maintaining the view that we are nevertheless 'good stewards'.

[35] Whilst it is true that animal rightists such as Regan, and environmental theorists such as Taylor amongst others base their theories around recognition of nonhuman (at least some nonhuman) inherent value, in the final analysis in cases of real-world direct conflicts of interest the perennial presumption of human use invariably (and often subtly) 'theoretically' trumps the 'worth' of nonhumans when the theory is pushed to consider such. In this sense, it is my central contention that these sorts of monistic value theories fail in the 'messy business' of application of theory to practice. Examples of theorists who have begun to question the illegitimacy of the deep seated presumptions of use of nonhumans contemporaneously include the likes of Gary Francione (1996 and 2009) and Joan Dunayer (2004).

theme in chapter six in discussion of theory to practice praxis within animal advocacy.

As we have seen, the 'legitimacy' for such use is primarily derived from straightforward assumptions about the fixed nature of hierarchical relations that accept a 'natural' superiority of one species over another – and in this case the legitimacy of humankind's 'superior right' to steward non-humankind as it sees fit. These presuppositions are anthropocentric in perspective and thus inherently anti-pluralistic in character – in that *only* the values considered to be compatible with anthropocentrism will, in the final analysis, be deemed to 'have value'.[36] What I mean here is that if humans are seen to be seated atop the stratified pyramid of hierarchical relationship, then any value assigned beneath this rarefied position will necessarily be linear, and therefore reductive in form (in as much as any hierarchy will lead to some form of pragmatic reductionism). However, as Murray Bookchin succinctly puts it, 'ecology recognizes no hierarchy on the level of the ecosystem. There are no 'Kings of the beasts' and no 'lowly ants'. These notions are the projections of our social attitudes and relationships on the natural world. Virtually all that lives as part of the floral and faunal variety of an ecosystem plays its coequal role in maintaining the balance and integrity of the whole' (1980, pp.59-60).

It is likely, therefore, that an environmental theory of value which conversely claims to be non-hierarchical and pluralistic must then address the central issue of subordination of *relations,* and attempt to circumvent the overt subordination of *individuals*. If in fact morally pluralistic views claim a basic plurality of values, then to the contrary, monistic approaches within environmental ethics must find theoretical and practical solutions for incorporating the kinds of values that are experienced in multiple manner and diverse contexts under a 'single' theory.

Holism revisited

Naturally, plurality of goods requires differentiation of goods - and problematically of course, 'goods' may be variously defined. For example, if the biosphere itself is deemed as the 'basic' good from which other goods arise and a continuing source of

[36] Hugh P. McDonald makes this important point regarding hierarchical structures in his paper setting out his theory of *creative actualization,* in 'Toward a Deontological Environmental Ethic' (2001).

'goods' (resources) for humans, then from an environmental perspective, humans themselves may be seen as one of many species within the biosphere that can contribute or detract from the whole (in fact a normative holistic approach). For moral agents, this relationship implies some moral obligation and duty – if only conceded to the absolute minimal degree that the survival of the biosphere is *reciprocal* with our own human survival. To this extent the claims of holists are reasonable, in as much as the biosphere *is* the condition of life - and so it is therefore a reasonable claim that it takes 'priority' over any one species (and of course by extrapolation for holists, any one individual) in terms of duties and obligations owed. Notwithstanding, if one accepts this high level biospheric view, the convoluted theoretical and practical problems of holism discussed previously in this chapter nevertheless persist when attempting to *quantify what it is* that may constitute actual contributions (adding to the health of the biosphere) or detractions (adversely affecting the health of the biosphere) from the 'whole'.

Yet, if we are to concede a minimal duty to nonhuman nature (and the creatures that compose it) it is likely to be worked out as assent to what may, for example, be understood as a generalised mutual non-interference (substantively a live and let live ethos). This stance must, at least tacitly, acknowledge the individual as considerable - and not solely the aggregated notions of species 'membership' under a nominally stratified structure as the considered criterion. For example, for most environmentalists who support a general holistic approach to environmental management, any 'good' that an individual possesses is lost upon death (a commonplace and 'natural' enough occurrence to be sure). So on this account: 'The good of the species is more morally considerable, since the survival of the species is a condition of individuals of the species and thus required for individuals: the unique good of individuals requires survival of the species' (Norton, 1995, p.427). The broader claim implicit here is that for advocates of this high level viewpoint the 'good' of a given species remains of greater moral concern than the good of the individual. It is, in essence, this distinction that forms the basis for the schism between holistic and individualistic views. This dichotomy may be put thusly: species *matter* more than individuals as individuals are transient, whereas species are more permanent; individuals matter less as they are only members of a specific species, *ergo* it is the status of the *species* in the biosphere that has import.

However, for an individualist this logic is fundamentally skewed. Whilst it is certainly true that in nature there are distinct groups of animals that interbreed and share physiological traits ('species') and those showing signs of divergent evolutionary traits ('sub-species') extant upon the world at any particular period in history, it is not so readily argued that species are *fixed* in any meaningful way, or that our *understanding* of 'species' at any one time is assured and unchanging. If for example all individuals within a species cease to exist, perhaps due to unforeseen cataclysmic events (or more likely in the 21st century the indirect or direct actions of humans), then we deem the species 'extinct'. If a very few members of the same species are however later found to be alive and reproducing (say half a dozen) in some far flung corner of the world, many environmentalists all too readily switch their centre of concern away from 'ideas' of species to those specific surviving individuals. These individuals are now categorised as 'endangered' (although for holists normatively under the flag of 'species integrity'), campaigns are run, posters of the individual animals circulated, and monies extracted from the sympathetic. It would seem here that a 'numbers game' is being played out with regard to the very definition of species in this instance: namely, that a small number of *identifiable* individuals now come to *represent* the former equivocal category of 'species'. It would in this case appear that holism's mantra of value as assigned only to the contribution to the 'whole', is abridged here to an obligation to individual animals - and not the contribution that they make on aggregate. The key observation here is that, after all, it would be difficult to argue the ecosystemic *contribution to the whole* of only half a dozen beleaguered individuals. In fact, a stringently purist view would likely assign the species to evolutionary history along with the countless species that merely 'failed to adapt' to environmental change.[37]

[37] By 'purist' here I am merely intimating that a concession to scientific holism that frequently gives authoritative legitimacy to holism's claims would have to grant that species extinction is 'business as usual' within the processes of natural selection. There is then often a highly selective focus in operation in conservationist aims under the holistic paradigm as we largely only want to 'save' (from *natural* processes) the 'cute' animals - nominally those that most resemble us in form or habit. This selective view is borne out by the fact that the World Wildlife fund (WWF) have what they term as 'flagship' species – unsurprisingly, entirely composing of the cute or 'dangerous' animals that preoccupy the masses, and not the obscure, ugly or strange that may be in equal or greater dire straits.

The human 'species'

If the central tenet of holism is that the value of an individual organism exists in the contribution that it makes to the ecosystem as a whole, and if this axiom is, for the sake of consistency, to be applied to all species, then the maxim is deeply problematic for one species in particular – homo-sapiens. Problematic in this instance because humankind has had, and continues to have, a devastating effect on the biosphere. If in fact a contribution/detraction calculus was strictly applied to the human impact upon the rest of nature at large (either individually or collectively), it is difficult to imagine how our unique 'contribution' to the biosphere may be positively presented. This is not to argue for a misanthropic assessment of human contribution in these terms, but merely to point out that if indeed it is a truism that the good of the species is more morally considerable, since the survival of the species is a condition of individuals of the species and thus required for individuals – in that the unique good of individuals requires survival of the species, then why should humans alone be exempted? Put somewhat differently, the difficulty is that a premium is put on *individual* human life in most, if not every, circumstance. This valuing of individualism *over* species is precisely what holists seek to avoid. Indeed, it is not merely that human individuals are valued as independent entities from species' membership, but that they are valued *above* any normative notion of aggregated membership. Again, this is the very antithesis of the holistic approach. Clearly, humankind is not separate from nature (nature as holists view it) in any definitive sense, so how is this serious disparity to be legitimised by advocates of the holistic approach?

A commonplace retort when confronted with this glaring observation often takes on the form of argument largely based upon 'different levels of obligation'.[38] This form of justification for disparate treatment in this context frequently begins by citing the 'legitimacy' of the considerable weight of nothing less than the long tradition of liberal thought, with its emphasis on individual rights. Advocates argue that to deny that humans are exempt from this form of special consideration is in effect to challenge the whole of western liberal thought. This fact in and of itself does

[38] See Callicott in 'Animal Liberation: A Triangular Affair', *Environmental Ethics 2* (1979), and McDonald 'Toward a Deontological Environmental Ethic', *Environmental Ethics* 23 (2001) for good examples of this class of reasoning.

not however go any substantial way in answering the central enquiry as to *why* human individuals alone are be exempted by holists. Merely citing (human) tradition, whatsoever that tradition may be, does not equate to a rigorous and consistent counter-argument. Moreover, none of this definitely answers the central and pressing question as to why it is that humans alone are exempted from holistic contribution-based valuing, whilst all other creatures are to be valued in this way. Simply because we may have levels of obligations that may (or indeed may not) diminish concentrically outwards from ourselves, does not serve to explain why *all* humans are exempted and *all* nonhumans included within the holistic paradigm.[39]

For example, why should it be the case that my companion dog with whom I share a rewarding, loving and emotionally intimate life is automatically to be valued on a species-based criterion on a strict holistic view, whilst a human individual the other side of the world that I have never met, will never know, and share no kinship with other than some vague notion of 'humanity' is to be valued on a individual-based criterion only? For sure, I have obligations in the sense that I am no more allowed to murder that stranger than I am to murder family members. But these sorts of legalistic obligations again give us no clear reason (other than, for example, one of societal cohesion) as to why this is to exclude all other creatures from this privileged position merely because the societal traditions extant at a particular point and place in history retain profoundly anthropocentric biases. Likewise, these kinds of considerations are not limited to the 'special' relationship of domesticated animals and humans. The 'wild' robin who visits my garden daily is valued as a discrete individual - not as a generic and nonspecific 'representative' of the genus *Erithacus* (*its* particular markings are readily identifiable on frequent observation). To propose I view my companion dog or individual wild creatures I personally encounter other than they appear – as individuals – is deeply counter-intuitive to our everyday experiences. It is of course true that I do not have intimate obligations of direct care towards the robin (as I do towards my companion dog) or any other wild creature – but this is primarily because to do so would in fact negate their designation as 'wild'.

[39] It is worthwhile reiterating here that although humans are frequently voiced to be included, on a positive contributory based consensus, it is human activity and runaway population explosion that is the primary causation of the current (and likely the greatest) mass extinction of species. To ignore this painful fact by exempting humans from the holistic contributory paradigm is, to say the least, a serious default for holistic claims.

The argument habitually proceeds with an acknowledgment that within society (a subtle move from 'nature' to 'society' here is to be noted) there are more intimate relations and more casual ones. It is upon this point that the holistic argument for the legitimacy of disparate treatment introduces the concept of 'weaker' obligations. On this account, for example, I have a weaker obligation to individuals in the wild, not least because I should preserve their autonomy. However, in response it may equally be admitted that I therefore in like manner have a 'weaker' obligation to the stranger whom I will never meet, who is also an autonomous and distinct individual. The move being made here by holistic advocates is a subtle, and continued, use of the notion of species membership (in this case homo-sapiens) to legitimate disparate individual practices. It does not, I believe, answer the central claim of attributing dissimilar treatment however, but merely attempts to make a distinction of 'wild' (so a weaker obligation is requisite) whilst *ignoring other distinctions* - such as distance or anonymity (the stranger on the other side of the world whom I will never meet for example). In addition, it is claimed that 'weaker' claims are clearly commonplace and legitimate within the human community (as the notion of a concentric circle of obligation and duty itself strongly infers). But this simply means that in fact the distinction drawn between so-called wild animals and other beings is then tentative at best, as there are abundant beings that fall outside of, or somewhere in-between, this category.[40]

A second and allied move that characterises this argument is to demarcate and distinguish the biosphere from the 'sphere' of society.[41] The distinction is made by arguing that whilst the biosphere is all inclusive, different societies are not.[42] The argument follows that, 'The exclusivity of these societies creates obligations to the

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[40] In addition, this also raises serious and convoluted questions as to the definitions of autonomy. Such as, is the wild creature more or less 'autonomous' than the stranger? What does 'wild' confer and infer? Where is the line to be drawn between wild and other creatures? For some in-depth discussion of these questions see for example C Allen and Mark Bekoff, *Species of Mind* (1997), and L Johnson, *A Morally Deep World: An Essay on Moral Significance and Environmental Ethics* (1991).

[41] For an interesting alternative take on this distinction see the literature on ecoanarchism in discussion of society as a distinct from, *but* reflective of nature: Murray Bookchin, *The Ecology of Freedom* (1982) and *Remaking Society (*1989), S Davidson Ecoanarchism: A Critical Defence (2009), Simon Hailwood Eco-Anarchism and Liberal Reformism (2003). Also useful is L Martell *Ecology and society: an introduction* (1994), Ted Benton *Natural Relations: Ecology, Animal Rights and Social Justice* (1993) and Alan Carter's *A Radical Green Political Theory* (1999).

[42] Hugh P. McDonald notes this move in 'Toward a Deontological Environmental Ethic' (2001), pp. 427-29.

biosphere and to other humans which do not extend to individuals of other species. Our duties within and derivative from civil society are especial to human society, although they may include domesticated species' (McDonald, 2001, p.428). On this account then, societies are a 'distinct' mode of value to which justice must be done. Whilst it is to be admitted that there are certainly incumbent duties on individuals and society at large, and that these sorts of normative practices are in large part applicable to the human sphere alone, it is again less easy to envisage why precisely the various forms of human civil society that humankind generates – and that are distinctive to our species, should therefore automatically endow humans with an absolute exclusivity in consideration of their *biospheric* (individual) status.

In short, the leap from having a 'unique' organisational and functional *way of being* (and a myriad of nonhumans also have evolved complex unique 'societies' that work to the species' good), to suggesting a difference of 'kind' that sets humankind apart from nature, tends in the final analysis to fall back upon unconsidered acceptance of the 'traditional' anthropocentric worldview (human society as sacrosanct and defensible in and of itself). The burden of proof here must be upon legitimising this claim, and this would require a substantive (falsifiably proven) 'discrediting' of all other nonhuman communities as being of an *entirely* different order to our own. This, I suggest, is a forlorn venture - especially in consideration of our shared genetic provenance and the far-reaching empirical studies into the sorts of group complexity found in many higher mammals for example.[43] Furthermore, it is also unclear in the quoted statement by McDonald as to why the biosphere should be assigned obligatory consideration along with humans, whilst all other creatures that make up this biosphere are again *ipso facto* excluded in light of human individual exclusivity. In sum, a holistic view of nature cannot consistently and

[43] And recent rigorous empirical studies also strongly suggest this to be the case. Some useful starting references on the empirical research into these forms of intraspecies complexity are: Allen, C., and M. Bekoff. 1997. *Species of Mind* (1997), Brosnan, S.F., and Frans B. De Waal., 'Monkeys reject unequal pay', Cluton-Brock, T.H., and G.A. Parker. 1995. Punishment in animal societies. (2003), Douglas-Hamilton, I., S. Bhalla, G. Wittemyer, and F. Vollrath, 'Behavioural reactions of elephants towards a dying and deceased matriarch' (2006), Fehr, E., and S. Gachter, 'Fairness and retaliation: The economics of reciprocity' (2000), Frank, S.A., *Foundations of Social Evolution* (1998), Katz, L.D., ed. E*volutionary Origins of Morality: Cross Disciplinary Perspectives.* (2000), Nowack, M.A., and K. Sigmund,.'Evolution of indirect reciprocity' (2005), Parr, L.A., B.M. Waller, and J. Fugate, 'Emotional communication in primates: Implications for neurobiology' (2005), White, T.I., *In Defense of Dolphins: The New Moral Frontier* (2007), Wilkinson, G., 'Reciprocal food sharing in vampire bats' (1984).

legitimately exclude any one species, not least because such an account would *no longer be* a 'holistic' account of life on earth – but rather a *'discriminatory' account of life on earth.* Holism cannot capture the 'whole' whilst retaining the 'part'.

4.4 Ecology and the individual nonhuman

In general then, ecologists balk at the suggestion that ecosystems can be meaningfully understood by studying individual 'members' of component species or sub-species in isolation. Given that key properties of any ecosystem are symbiosis and diversity, then those who take a collectivist view emphasise that the elements that comprise ecosystemic diversity are not merely interrelated, but interdependent. Collectivists tend, therefore, to see the individual as unavoidably enmeshed within the 'whole' - and for them, the individual is transfigured into a *'supra-individual'* entity.[44] Clearly, diverse environmental factors including habitat change, species adaptation and climate variance create and recreate niche diversity and developed symbiosis. However, systems are inherently dynamic in structure, and viewed over elapsed time no natural system is ever 'fixed'. That the individual within this changing dynamic is subject to pernicious environmental change both in form and habit is as true for the human animal as for the nonhuman animal – despite the belated human confidence in the 'taming of nature' through technological advance.

This observation leaves us with a question: can the systemic view of nature ever paint a complete and accurate picture of the individual within it, and if so how might its relationship to the whole be characterised? I contend that the way in which interrelatedness is often understood by contemporary ecologists does little to *define* or indeed *describe* the individual animal. At best, it merely informs upon the observed *modus vivendi* of target species. For example, if my daughter, having observed the tawny owl that frequents the tree in the field at the end of my garden asks me *what* a tawny owl is, I can (supposing a reasonable knowledge) begin to

[44] Alan Carter introduces this phrase in discussion of a collectivist mentality. Whether or not this is strictly true of all holists is of course a matter of debate, in *A Radical Green Political Theory* (1999), p. 73.

describe its colouration, form, habit and classification. This answer – no matter how 'accurate' - is likely to be unhelpful to a young, enthusiastic and enquiring mind. I have, to my best ability, in dry and purely descriptive terms relayed my knowledge of the *classification* that is 'tawny owl', but I have said nothing about the 'owlness' of the animal in question. Is *this* owl a 'capable' owl by expected criteria – does it hunt mostly successfully? Is it stealthy? Does it nurture its young proficiently? Without observing at length the unique owl in question, at best, I can only answer in the terms set by our ecological understanding of the animal 'other' – namely, its relationship to the wider ecosystem. My daughter may subsequently pass an examination on the form, habit and classification of the tawny owl, but is little closer to 'understanding' *the* owl that frequents the tree in the field at the end of the garden. Moreover, if the youthful imagination of my daughter were to envisage what it may be like *to be* that owl, as Thomas Nagel famously points out, this would merely inform her of what it would be like *for her* to behave as the owl behaves.[45] This is of an entirely different order to understanding what it is to be that owl. To quote Nagel in respect of this general problem of understanding individual nonhumans: 'We cannot genuinely understand the hypothesis that their nature is captured in a physical description unless we understand that more fundamental idea that they have an objective nature (or that objective processes can have a subjective nature)', (1974, p.448). I will return to the question of relationship of the individual to the wider ecosystem in chapters five and six, in discussion of environmentalism and a biocentric individualist approach.

Nonetheless, if we cannot indeed fully understand the otherness of the nonhuman, it is reasonable to propose that our collective experiences and sense of being that we share with individuals belonging to our own species, at the very least, enable each of us to have some broad comprehension of our multifaceted and frequently mutual experiential common ground. This is not to ignore the perennial epistemological problem of 'other minds' however - that in a broader philosophical sense apply to our understanding (or lack of it) of *each other*.[46] Notwithstanding,

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[45] Nagel makes this astute point in his now celebrated paper entitled 'What is it Like to be a Bat?' (1974), p.439.

[46] The 'Problem of Other Minds' philosophical challenge is generally expressed as follows: given that I can only observe the *behaviour* of others, how then can I be certain that others in fact possess minds (or at least our comprehension of such) in the first instance? The thought behind

there may remain further difficulty in the context of understanding the otherness of nonhuman animals that foments a greater challenge to our conception of an 'objective nature' when thinking in terms of nonhuman subjectivity. Whereas, I believe it is perfectly cogent to make at least *some* presumption that, as humans, we can recognise - through shared experience, empathy and analogy - our all too human complex needs, wants, hopes and fears to a greater extent than we might comprehend these attributes in nonhumans, it is less convincing that this recognition equates to humans being assigned a 'special moral category'. That we can identify to a greater or lesser extent with one another (we might say, intra-human empathic identification), does not mean that our actual *treatment* of others should be adjudged on this basis alone. In fact this kind of selective categorization of groups and individuals is the hallmark of many of the more sinister forms of exclusion that litter human history.

Towards a moral individualism

Throughout this work I have argued that humans and nonhumans share both similarities and display marked differences; that humans feel kinship with many other animals whilst at the same time feeling peculiarly separate; and, that humans think of themselves as both 'apart' from nature and yet 'a part' of nature. Any attempt at formulating an adequate environmental ethic must, I believe, fully acknowledge – and indeed embrace - this persistent, and defining tension. For an individualistic stance, it is this very tension that demands a refocusing of our 'place in nature'. On this view, to question this place is to question our interrelationships; to question our interrelationships is to question our treatment and use of others; to question our treatment and use of others is to question our relationships *to each other*. Our moral obligations then must be determined and defined not upon group membership, but on individual characteristics and the relationship between individuals. From this standpoint, different treatment cannot therefore be adequately justified by reference

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the question is that no matter how sophisticated someone's behaviour is, behaviour on its own is not sufficient to *guarantee* the presence of mentality. It remains possible, for example, that other people are actually nothing more than automata made out of flesh. In addition to Nagel, for further analysis see Daniel C Dennett's seminal work, *Brainstorms* (1981), and for a more contemporary reading, Anita Avramides', *Other Minds* (2001).

to a 'preferred' group, and this of course raises serious and difficult challenges regarding our treatment of *individual* nonhumans.

By way of example here, a recurrently controversial illustration of a particular nonhuman use would be the treatment of certain groups in medical experimentation. A case in point is the chimpanzee willfully infected with a lethal disease in order for the progress of the disease to be monitored, and then killed (or left to die) and dissected for further study (a common enough daily occurrence). This use of a sentient higher mammal is deemed not merely morally justifiable, but *de facto* morally acceptable. These terms are not, I submit, mutually inclusive or necessarily logically follow from each other and there is a subtle, but crucial, difference in emphasis here. We may (and frequently do) manage to justify a great many of our actions concerning the natural world, and issues of what may or may not be justifiable often turn upon what is deemed 'expedient' in particular instances. Expedience, however, leaves little room for open ethical debate. What is morally acceptable in this instance is not wholly dependent on any perceived justification (such as the oft cited 'benefits' to humans), but is founded upon the presumption that membership of a group (chimpanzee in this case) confers a different set of acceptable relational criteria. Such overt use would be considered utterly inhumane if applied to a human animal.[47]

If we are to assent to a moral individualism, this approach would require that we consider 'specific' chimpanzees, and the peculiar characteristics they display. Moreover, if what constitutes acceptable relational criteria is founded upon the acceptance that the human displays certain particular characteristics, then what if the chimpanzee in question can be shown to possess these (or more precisely, 'equivalent') characteristics? Or indeed, that some humans do not possess such faculties. Darwin himself certainly emphasised the exhaustive similarities that exist

[47] The very term 'inhumane' does of course carry with it the idea of 'humanity' and concomitant 'human' traits. It is in itself interesting that no direct equivalence exists to describe similar nonhuman traits. One cannot imagine a working use of a term such as 'inanimality' to describe animal instigated cruelty for example. The absurdity for many of such a proposition merely highlights our deeply embedded anthropocentric view of existence in the refusal to ascribe any such traits to other beings (and especially perhaps higher mammals). Indeed, the term 'animality' is most frequently used in a derogatory sense.

between humans and other animals.[48] Consistency may then require that our treatment of the chimpanzee is also morally questionable. To be consistent would require that we not only look at specific chimpanzees, but specific humans, and consider what justifies using this specific chimpanzee over that specific human – or indeed any other individual of any other species.[49] It is clear that human beings differ in many important ways, displaying marked physical and psychological variance. Much like the above example of the tawny owl, to ascribe the descriptive term 'human being' is to say very little about the extremes of abilities and traits extant within the phenotype. As we share our evolutionary provenance with other animals (latterly 'higher' mammals), it is little short of absurd to deny such variances exist to similar degree amongst nonhumans.

A medical doctor may, for example, hold to the ideals of equality, but would not balk at the necessity to treat individuals in a targeted and specific way. Of course treating people differently is not objectionable if there is a relevant difference between them that justifies such a difference in treatment (medical background, age or diagnosis for example). But any competent doctor would treat each patient the same if both had exactly the same ailment with the same set of conditions. What is true for medical treatment here in the specific, holds true for 'moral' treatment in the general. For instance, one may cite numerous occasions where a given action may

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[48] Darwin attributed many traits to other animals at the time, on what to many may now seem to be empirically deficient grounds, arguing that other animals can experience anxiety, grief, dejection, despair, joy, love, tender feelings, devotion, ill-temper, sulkiness, determination, hatred, anger, disdain, contempt, disgust, guilt, pride, helplessness, patience, surprise, astonishment, fear, horror, shame, shyness and modesty, cited in James Rachels, *Created From Animals: The Moral Implications of Darwinism* (1990), p.175. However, a great deal of contemporary research is correlating his assumptions and indeed showing that many other species possess all of these attributes and more - in addition some findings conclude that a 'moral sense' is to be found in several higher animals. Some useful starting references on the empirical research into these forms of intraspecies complexity are: Allen, C., and M. Bekoff. 1997. *Species of Mind* (1997), Brosnan, S.F., and Frans B. De Waal., 'Monkeys reject unequal pay', Cluton-Brock, T.H., and G.A. Parker. 1995. Punishment in animal societies. (2003), Douglas-Hamilton, I., S. Bhalla, G. Wittemyer, and F. Vollrath, 'Behavioural reactions of elephants towards a dying and deceased matriarch' (2006), Fehr, E., and S. Gachter, 'Fairness and retaliation: The economics of reciprocity' (2000), Frank, S.A., *Foundations of Social Evolution* (1998), Katz, L.D., ed. *Evolutionary Origins of Morality: Cross Disciplinary Perspectives.* (2000), Nowack, M.A., and K. Sigmund, 'Evolution of indirect reciprocity' (2005), Parr, L.A., B.M. Waller, and J. Fugate, 'Emotional communication in primates: Implications for neurobiology' (2005), White, T.I., *In Defense of Dolphins: The New Moral Frontier* (2007), Wilkinson, G., 'Reciprocal food sharing in vampire bats' (1984).

[49] And of course Peter Singer sparked lasting controversy with the disability rights lobby by suggesting precisely this kind of species egalitarianism (1993, 1995).

be thought to be morally justifiable, such as a war waged against an aggressive and expansive invader - and herein, we may invoke ideas of self defence, survival or even perceive such a response as a 'just' war (Sterba, 2000). This however does not automatically equate to a blanket moral *acceptance* of all of the horrors that inevitably follow from such a war.

A species-neutral approach

A fundamental tenet of moral individualism within the framework of an individualistically-based environmental ethic as presented in this work is *'species neutrality'*. In short, that the same sort of moral 'rules' that regulate treatment of humans should pertain to nonhumans. Assent to a species neutral approach though, is certainly not *controversy neutral.* Indeed, for many, species neutrality is not only conceptually difficult, but perhaps thought a practically impossible proposal. Much of this work to date has, in essence, wrestled with these sorts of conceptual and acculturated ways of thinking about nonhumans and has defended, what are for many, manifestly far-reaching views. In vindication of the basic need for species neutrality as a moral starting point, it may then be helpful to consider two other principal moral rules that we readily *do apply*: the rule against killing; and the rule against inflicting pain.[50] If we may say that there is any such a thing as a 'universal' moral injunction, then a sanction against killing would certainly meet with overwhelming cross-cultural assent. However, a key enquiry for our purposes is to ask if the same (or similar) reasons can apply in the case of nonhumans (or at least some nonhumans)?

Much like questions over pain infliction, the moral brevity of killing when applied to other than humans, tends in practice to turn upon what constitutes the current scientific perceptions of what place a particular animal may occupy on the customary phylogenetic scale.[51] It does not seem surprising then that when we

[50] I extrapolate here on James Rachel's assumptions (1990), p.208. He gives two examples of basic moral rules in his discussion of what may constitute right moral action.

[51]The conventional phylogenetic scale or evolutionary tree is a branching diagram showing the *inferred* evolutionary relationships among various biological species or other entities based upon similarities and differences in their physical and/or genetic characteristics. It is to be noted however that the hierarchical structure of the evolutionary tree is a human construct, and the inherent complexity of evolutionary processes claim no teleological progression or indeed any universal *linear* progression from 'lower' to 'higher' forms. Therefore talk of animal 'levels' on a phylogenetic 'scale' is not merely misleading, but more worryingly introduces the idea that

consider this question, the animals furthest from humans on the scale seem to elicit greater moral ambiguity in the minds of many. The sentient monkey may seem to possess more of the familiar traits we deem morally relevant than, for example, the mouse; the mouse more than the mackerel; the mackerel more than the mite. We seem to have less moral 'confidence' the further we travel from what we understand to be 'human'. In fact, many would argue that it is precisely this point – that we cannot have a working moral confidence in our interrelationship to other-than-humans - that makes the very idea of species neutrality unfeasible. If, they may argue, we can only be 'sure' of our duties and obligations by reference to what we 'know' (us humans in this case), then talk of flattening the moral landscape through adoption of a species neutrality is to venture blindly into indeterminate and ever increasing uncertainty.

This is a serious contention, and arguably corresponds reasonably with our pre-reflective intuitions. These intuitions lead us to conclude that, for example, killing a complex sentient being that possesses what we may observe to be a biographical life - such as the aforementioned monkey - would seem morally more questionable than squashing the aforesaid mite underfoot.[52] In this sense it is likely true to say that the wrongness of killing does not have to be viewed in 'absolute' terms, as one killing could be seen as more objectionable than another (as in the instance of our monkey or mite). The problem, I believe, arises here not in the ambiguity of our understanding of other species or indeed forthrightly in the values we assign others, but in a more pedestrian claim. Simply, that our moral sentiments concerning other animals remain largely shaped by pre-Darwinian notions chiefly bolstered by a Judeo-Christian belief in the idea of the uniqueness of mankind and subsequent concepts of human dignity (McDermott, 1993). Pointedly, those ascribing to a value-laden interpretation of the hierarchical phylogenetic scale in addition tacitly claim a qualitative difference in the seriousness of killing, largely tend not to normatively adopt any such scale in daily practice. For example, most individuals intuitively sanction the killing of the monkey (in medical experimentation) *and* the mite (disease or nuisance control), the mackerel (even with 'stocks' fished to severe depletion) and

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judgements of moral worth can rightly be extrapolated from this account, and thus severely misconstrue its central aims.

[52] See previous Chapter 2.3 for discussion on what may constitute biographical and biological lives and their relevance to sentience and full individual flourishing

ultimately when deemed 'necessary' - the man (in countless executions and 'just' conflicts). It would seem that our pre-intuitions fail, in large part, to guide our actual practice. The claim then for a pre-intuitive qualitative sliding scale regarding the 'seriousness' of killing seems to lack any consistent practical force (Rachels, 1990, pp.208-210).

There are of course many prohibitions concerning cruelty and mistreatment that trade on such qualitative notions. From animal welfare legislation to conservation and protection laws, the degree of protection could correlatively be seen to diminish as perceived complexity diminishes. However, it remains true to say that what protection exists for those supposed 'complex' enough to benefit is severely limited in scope. As I have argued in chapters two and three, welfare 'protects' (and usually ineffectually) only until the inevitable slaughterhouse, and in like manner much conservation 'safeguards' in large part for *human* needs, wants and preferences.

What then of our second rule, the directive against inflicting pain? Much like the first rule against killing, the moral injunction against inflicting (unnecessary) pain attracts widespread assent. The fact that sentient animals can suffer in complex ways upon pain infliction, and that many suffer in much the same sort of ways that humans suffer is, in the twenty first century, now a matter of substantive fact.[53] In so far as both humans and many nonhumans likewise posses this capacity, it is inconsistent therefore to take the one suffering - but not the other - as grounds for objection.[54] If we are to view the willful infliction of pain as something morally questionable, then the significant moral task is ascertaining if there is 'good reason' for causing this suffering. Following from this, if then the infliction of suffering is considerable, the corresponding justification must be comparably persuasive. Irrespective of the impact of animal welfare initiatives (as discussed in chapter two), it is fair to say that the majority of consumers drastically underestimate the degree of

[53] The Cartesian view that animals were effectively automatons and did not possess the ability to directly suffer is of course now rightly empirically discredited.

[54] It is noteworthy that the boundary between what constitutes sentience (and the subsequent ability to feel pain in diverse ways) and what is not sentient is not straightforward. Empirical research is challenging the traditional pantheon of the animals that possess sentience. Irrespective of sentience, it is clear that so-called non-sentient life can nevertheless be harmed in a myriad of ways- not least in the closing off of potentiality to reproduce and flourish that a premature death terminally ensures.

suffering caused to animals raised and slaughtered for the table. Many think rather vaguely that the end of an animal's life may involve cruel practices, but content themselves with the consolation that we 'do what we can' to minimize the inevitable trauma of slaughter. Likewise, believing that animals live relatively 'natural' lives during the rearing process, many people choose to foster a halcyon 'animal farm' image of the farmyard populated with happy hens, contented cows and pleased pigs. Of course, the truth of industrial profit-driven agribusiness *parodies* such a contrived image in practice. The 'need' to produce affordable produce 'justifies' immense suffering to the animals designated as livestock. In practice then stark economic calculus is the 'good reason' proffered for causing suffering on an industrial scale. The justification runs, that it would be 'impossible' to produce low-priced meat whilst fully considering the animal's welfare. This would however seem a slender moral justification when one considers both that the eating of meat is not a necessary requirement for good health, and the production of meat is, furthermore, ludicrously inefficient in practice.[55]

If then our two principal moral rules - the rule against killing and the rule against inflicting pain - seem not in practice to wholly bear upon even our direct relationships to nonhumans (we might say that the instrumental use of livestock constitutes a 'direct' relationship, whereas our interrelationships with so-called 'wild' animals are often of an 'indirect' nature), how might these inconsistencies square with the idea of species neutrality? If what we consider to be established moral principles, can in actual practice be so readily circumvented when expedient 'good reason' can be advanced, then perhaps the claims of established 'biased' approaches are weakened. In this sense the fundamental claim for neutrality is conversely strengthened, in its insistence that the same sort of moral 'rules' that regulate treatment of humans should pertain to nonhumans.

The problem of 'value-adding'

The core argument for a form of species neutrality is however not confined to individualistic notions of animal worth. In matter of fact, an argument for holism within environmental thought starts with the claim that *nature in its entirety* has intrinsic value (or at minimum something more than merely instrumental value). Much of this

[55] See chapter two for further discussion, statistics, and examples regarding these two points.

form of argument is based upon an acknowledgement that nature itself is the 'thing' that gives rise to individual organisms - that *can* be attributed intrinsic value.[56] From the perspective of this work, this viewpoint is important to an understanding of how the individual may figure in systemic views of nature, in that it grounds a basis for the intrinsic value of nature in an acknowledgment that individual organisms can be attributed intrinsic value. Where it *critically* departs from an individualistic approach to intrinsic value is of course in its insistence and emphasis on systemic value (the value lies *with* 'nature' that gives rise to individuals) rather than what I want to call *discrete value* (the value lies with the individuals that constitute 'nature'). For the holists who advance this point of view then, the value that is associated with nature as a whole, *adds to the value* associated with the multitude of individual entities of intrinsic value that it contains, thereby strengthening value-based arguments for the preservation and protection of nature'.[57]

This form of holism is both appealing and controversial. The elementary principle underlying the claim is ostensibly that it provides a basis for the view that nature as a whole is suffused with value that is something more than instrumental. This vein of argument however raises what Gary Varner has termed '...a species of the genetic fallacy' and he comments:

> 'Rolston's argument appears to be that ecosystems have more than instrumental value because their products have more than instrumental value. But surely this is fallacious. Suppose that an otherwise devastating hurricane happens to clear up the waters of a lagoon so that it is very beautiful or that air pollution happens to create more beautiful sunsets. Just because the lagoon or the sunsets have more than purely instrumental value, it does not follow that the hurricane and the pollution also have more than merely instrumental value.....It is fallacious to argue that, because X came from Y and X has intrinsic value, Y must also have intrinsic value or even a value more like intrinsic value than purely instrumental value' (1998, pp.22-23).

Varner's logic would seem reasonable in this instance. However, before exploring the consequences of this observation for an understanding of the place of the

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[56] Undoubtedly the best known advocate of this form of argument is Holmes Rolston III - and developed in his concept of 'projective nature' which has the key attribute of 'systemic value'. In turn, he further develops this into a particular form of non-instrumental value. See Holmes Rolston III, *Environmental Ethics: Duties to and Value in the Natural World* (1988), pp.197-98.

[57] Robert Elliot makes this point in 'Instrumental Value and Nature as a Basis for the Intrinsic Value of Nature as a Whole' (2005).

individual animal within this paradigm, I believe it is firstly important to clarify a distinction that can arguably be made between what may constitute the *substantive* claim being made and the *formal* claim. The formal claim that Rolston makes is that nature 'as a whole' is suffused with intrinsic value and that something may be valued intrinsically – and thus have intrinsic value – in virtue of serving some purpose.[58] This then is a formal claim about a concept of intrinsic value that is clearly holistic, and as it stands, is a fairly commonplace starting point for many who subscribe to a holistic worldview. It is however the substantive claim that follows from this formal conceptual claim that is more problematic. To make a substantive claim from this formal concept would require a view of intrinsic value as necessarily 'interconnected', and therefore 'purpose-serving' elements are defined by their internal 'value-adding' properties.[59] A substantive theory of intrinsic value would therefore seek to specify the *sort of value-adding properties* concerned.

The clear problem here for corroborating the substantive claim is determining how these properties may be defined and delimited in a holistic paradigm. For example, is species' rarity, beauty, wildness or 'naturalness' ascribed a high value-adding reckoning (and these attributes tend to spill much ink in environmental literature), whilst the built environment, common species, 'pests' and 'non-native' species count as adding less value to the perceived 'whole'?[60] In the context of Varner's analogous hurricane response to Rolston, how then might advocates of a holistic approach conceive of the 'value' of the hurricane in this instance? It may be argued from a holistic standpoint that the hurricane had intrinsic value in the sense that it gives *expression* to nature's power. Or perhaps that it may possess intrinsic value by virtue of the fact that it exemplifies some aesthetic quality such as grandeur (Elliot, 2005, p53). These interpretations may well be subjectively valid for some (that 'awe' of nature for the individual provides intrinsic value *in itself*), but the problem that Varner illuminates remains – namely, its actual instrumental 'effects' upon the

[58] Elliot gives an example of efficiently performing a given task (so the mode of instrumentality is efficiency in this case) and posits that the tool may be valued intrinsically despite what it may produce (2005), p.44.

[59] Again, Elliot makes a distinction between forms of value and observes that something has pure intrinsic disvalue if it possesses no property that improves its value; something is purely value-neutral if it lacks both value-adding and value-subtracting properties.

[60] And these kinds of 'practical' problems are explored in greater depth in chapter 6.3, 'Holism and a biocentric approach'.

lagoon or the air. It is fair to say that in this example the hurricane played a definitive role in change, but whether this casual change is acknowledged to be a 'positive' value-adding and non-instrumental property is something entirely different. This is to claim not merely interconnectedness and causality, but the designation of 'intrinsic' value-adding properties arbitrarily - and thus open to capricious interpretation. It is certainly true that most hurricanes would not possess such positive attributes, and would likely be viewed not as some complex (and troublingly infinitely complex) casually value-adding property, but likely something ranking rather 'lower' on the value-adding casual calculus. In essence then, this problem of what is perceived of as value-adding cannot, I submit, be subsumed into vague notions of 'interconnectivity', systemic integrity or indeed some notion of the power of casual events to carry with them intrinsic value merely because they 'exist' as entity, experience or process. We could for example equally of course claim that *all* things (the universe in sum) are in flux and process, and thus attribute everything extant as either intrinsic or instrumentally valuable dependent on one's worldview, but this hardly forms any clear ethic for our moral obligations to the nonhuman world and the individuals environed therein.

The implications of 'other animal ethics'

How we may end up legitimating treatment of individuals and groups is however inevitably bound up with how we may perceive our understanding of the nonhuman 'other'. How might we disentangle notions of the other from anthropocentric notions of sameness and difference is a thorny problem for animal advocacy at large. More precisely for our current argument, can the otherness of the nonhuman animal only be made meaningful through human representations? If in fact this is the case then it is difficult to envisage how the nonhuman animal can remain distinct *and dissimilar.* Elisa Aaltola expresses this problem in critique of 'other animal ethics' which seeks a respect for difference as its core value and attempts to discard exclusion based on ideas of similarity.[61] Notions of 'similarity' have on this view traditionally been the primary focus of much contemporary animal advocacy and the mainstay rationale for arguing against our anthropocentric normative attitudes to nonhuman animals. Indeed, a common and recurrent worry for many environmentalists and ecologists is

[61] See Elisa Aaltola, 'Other Animal Ethics' and the Demand for Difference' (2002), p.203-209.

that those who would take an animal rights-based outlook and emphasise human/animal similarity may be simply viewing 'other' animals through a form of uncritical postmodern sentimentalism. Herein, the animal loses it 'animality' and becomes subsumed into a humanised worldview – exemplified for many in the domestic 'pet'. This ardent aversion to viewing animals in this perceived over-romanticised way that is criticised by many holistic environmentalists, may however in itself be a form of *'anthropomorphophobia'*[62] Whether this term is fairly ascribed in general terms to the majority of 'green' thinkers is of course debatable. What is more certain is that the claim by many holists that traditional animal ethics, in emphasising 'similarity' as a sufficient reason to assign animals moral status, has sentimentally turned nonhuman animals into 'pseudo homo-sapiens'. In short, for many environmental thinkers the two principal things to be avoided concerning our relationship with animals are anthropomorphism and sentimentalism (Holmes Rolston III, 1988). On this view, it is not our kinship with other animals that should form the basis for a moral assessment of our relationship with them, but our actual estrangement from them. Aaltola challenges three 'alternatives' arising from these divergent views:

1. 'The first is that we are to stop using human conceptions in our understanding animals and be somehow mystically 'objective'
2. The second is that since this objectivity is impossible, we are to forget about understanding animals altogether
3. The third is that we should try to find a common language (that both animals and humans share) through which to understand the animal' (2002, p.204).

Clearly, the first alternative would likely demand the impossible (we use our human concepts to understand the universe around us – it is unlikely we can exclude the category of 'other animals' from this process). The second potentially draws a dangerously inflexible line between 'them' and 'us' – between the Darwinian discerning of the difference of 'kind' or 'degree' discussed in chapter two. Moreover, in practice, it entirely ignores our biological shared provenance (and similar neurological/emotional processes) and sets humankind artificially *apart* from nature, and has historically been (and continues to be) the customary justification for multifarious abuse of nonhuman beings. The third alternative is perhaps more

[62] Steve Baker coins this phrase in *The Postmodern Animal* (2000).

promising: we need neither to 'demand' that animals fulfil a prerequisite 'tick list' of human-like attributes as a basis for moral value, or insist that those who do 'rate' higher on the tick-list be valued more. Rather, as the animal rights movement maintains, we need to acknowledge that *similarities are important.* Each individual within and across species of course 'differ, but all (at least sentient) beings (including us humans) undoubtedly share experiential lives (in the sense of Regan's subject-of-a-life criteria discussed in chapter one). In short, if we are to begin to understand our moral obligations to nonhumans in the wider context, we concurrently need to embrace difference and similarity, whilst acknowledging that both these concepts reside in the diverse attributes of each *individual* - and not in aggregated notions of otherness.

A misanthropic ethic?

It is apparent that in referring to 'animals', implicit in the very word is a plurality of meaning. Whether or not 'animal' is used in its *descriptive* sense (to distinguish it from vegetable or mineral), or in its *distinctive* sense (normatively to distinguish it from 'human'), it is in either case clearly not describing or defining any *one thing* that is 'animal'. Rather, implicit in both senses is an acknowledgement that there is in fact no 'animal' *per se*, but rather an astonishing multiplicity of animals. This distinction is not merely a semantic one. If, for example, we are talking of 'animal nature', it is difficult to see how this may therefore embody any unequivocal meaning other than in a purely (and overly eclectic) descriptive or distinctive sense. Clearly, each species of animal displays distinct behaviours, and furthermore each individual within these species will vary by degree in temperament and behaviour. There is then, at minimum, a tacit acceptance of some degree of individuality embedded in our normative understanding of the word 'animal'. This account does not however sit well with the holism intrinsic to much green thinking. In persistently viewing nature in collectivist terms (the holistic 'whole') there is a tendency to frequently conflate the 'natural' with the social. For example, observed sub-species behavioural patterns for western lowland gorillas will inevitably show some variances to mountain gorillas. This divergence of behavioural traits is unsurprisingly found to be largely due to differences in environment, and subsequent adaptation. What is 'natural' social

behaviour for one sub-species is, irrespective of the degree of difference, not necessarily 'natural' to another.

If taking a broad-brush evolutionary outlook, we can fairly say that the plain fact that one is human (possessing the requisite 'bundle' of recognizable shared attributes) entitles one to no 'special' consideration.[63] This is not to take the factual findings of evolutionary theory – the 'is' and to extrapolate a moral 'ought'. This would in so doing commit the standard philosophical error of deriving conclusions of what ought to be the case from premises of what is the case. Nor is it to sanction 'thinking less' of ourselves simply because we are biologically closely related to other animals – the aforementioned leveling of the moral landscape. Of course, neither is it licence to ignore genuine sympathetic feelings of 'kinship' with our own species. But full acknowledgement of the moral consequences of our evolutionary provenance and subsequent moral development may indeed mean that any reevaluation of our place in nature will likely require a *simultaneous* reevaluation of the place of the nonhuman in nature.

Conclusion

The subject matter of this chapter has been focused primarily upon the evaluation of holistic approaches through the prism of rights-based individualism. Following on from discussion of paternalism, I suggested in this chapter that what is generally understood to be 'environmentalism' is, in its many guises, unequivocally holistically-driven in its frequently unquestioned acquiescence to the concept of 'preferred groups'. I further asserted that a framework that reallocates the *value of individuals* to the *value of species* countenances an ethically insupportable degree of human interference in nonhuman nature. I then went on to challenge the broader ecocentric view that considers the individual as valued merely to the degree of its systemic value to a greater whole rather than the value of each *individual.* Through an analysis of biospheric egalitarianism, I contended that the holism of a deep ecological approach obfuscates our understanding of our place in nature whilst concurrently lessening the importance of the individual within this place. I concluded

[63] James Rachels makes the Darwinian case for a 'moral individualism' in place of traditional concepts of human dignity in *Created From Animals: The Moral Implications of Darwinism* (1990). How an envisaged moral individualism may fit with current green thinking is explored further in the next chapter.

with a fundamental tenet of moral individualism within the framework of an individualistic environmental ethic – that of 'species neutrality' and the implications of 'other animal ethics' for an understanding of our treatment of individual nonhuman animals and their assigned place in nature.

It is how in fact we are to reevaluate our place in nature and subsequently reevaluate the place of the nonhuman in nature that has been the underlying concern of this work – and indeed, the standard preoccupation of much of environmental and animal ethics. Ultimately, admittance to some degree of 'favouritism' towards humans tends to characterize most ethical frameworks in one way or another (including the 'nonanthropocentric').[64] Any ethic that seeks a 'moral hierarchy' that effectively favours humans (and for some this will be a 'necessary' condition if normative misanthropic conclusions in application are to be avoided) cannot in a strict sense, forward itself as *nonanthropocentric.* Equally, as Stephen Avery notes, 'any ethic that does not have a moral hierarchy favouring humans must both demonstrate the hierarchy it does adopt, if any, and show why, per impossible, such a hierarchy does not lead to a misanthropic conception of morality' (2004, p.35).

This is an important thought in respect to the practical application of theoretical frameworks that seek to challenge the boundaries of the moral community and question normative interrelationism. If for example, an ethic is advanced that may advocate a general respect for nature,[65] but in instances of direct conflict of interests invariably legitimates human precedence, then as we have seen, it may well be the simple case that the tendency *in application* is to value those animals that are 'closest' to us on the phylogenetic scale, or those that prove most economically valuable or aesthetically pleasing. This however is not to suggest that what therefore is required is a 'one size fits all' ethic that can provide stringent ethical guidelines that prescriptively 'rank' all cases of genuine conflict of interests. In fact it is not merely highly unlikely that such an ethic will ever be devised, but that such an

[64] As critique within the body of this work has shown human favouritism is not restricted to anthropocentric theories alone. Examples so far discussed include Regan's lifeboat scenario as an instance of a rights-based human favouritism; the acceptance of many husbandry practices by welfarists that tacitly favour human 'trivial' wants; the culling of healthy animals by conservationists that favour elitist conceptions of nature; and the species value-based hierarchy over individual flourishing that many holists advocate.

[65] For example, Paul Taylor's comprehensive account of a respect based framework in *Respect for Nature* (1986). Also, see the comparative analysis of my own biocentric account and Taylor's formulation in chapter 5.4.

overly prescriptive 'manifesto' would be entirely inappropriate in the face of the inestimable complexities of the diverse interrelations extant between and amongst the myriad of life forms that share this planet. With these provisos firmly in mind, the subsequent chapter explores the efficacy of a biocentric approach in view of the claimed illegitimacy of animal use that, I have argued, mainstream animal advocacy struggles to draw out.

5. Biocentrism and Animals: A Fresh Perspective

'The life of a man is of no greater importance to the Universe than that of an oyster', David Hume, *'On Suicide'*[1]

In chapter one the animal rights-based view was outlined, followed by a critique of animal welfarism in chapter two. In chapter three, concepts of stewardship were examined in the light of conservation theory and practice, and chapter four explored contemporary holistic theories through the prism of an individually-based perspective. I have argued that welfarism, paternalism, conservationism and environmentalism, as presented here, share troubling common ground. Indeed, this thesis has contended throughout, that despite the disparate claims of these diverse projects, underpinning each is a persistent and profound human chauvinism that selectively informs upon our moral deliberations and the values we assign to the nonhuman world. This chapter will begin by challenging the long held view that an animal rights-based ethic is necessarily and irretrievably incompatible with the proclaimed aims of environmental ethics at large, and go on to ask if a developed form of biocentric individualism can provide an adequate moral framework for our dealings with nonhumans in the light of the arguments presented in the preceding chapters.

The substance of this thesis then has primarily concerned itself with our attitudes, practices and biases towards the nonhuman world, and specifically those nonhuman living creatures that share the environment with us humans. In arguing that there remain persistent chauvinistic attitudes towards the nonhumans that we designate both as domestic and wild, I have attempted to show that within contemporary animal protectionist theory and practice many deep-seated prejudices continue to permeate much of our thinking regarding our dealings with such creatures. My position has been that the central problems inherent in animal welfarism transpose themselves subtly into the paternalistic aims of conservation, and likewise, doggedly

[1] David Hume, 'On Suicide' (1898), Vol. 5, p.410.

reside in many holistic eco-based alternatives. This stance can be summarised thusly:

1. There is a dichotomy of thought arising from the animal ethics debate regarding the legitimacy or illegitimacy of animal 'use' (and not just treatment) - nominally recognised as the animal rights/welfare schism.
2. This dichotomy is not limited to the animal rights/welfare debate and not restricted to the domain of 'animal ethics' alone.
3. Animal welfarism (the 'normative' approach to our moral response to domesticated nonhumans) accepts in large part our limited use of animals in diverse ways, and as such concentrates its protectionist initiatives on treatment rather than use.
4. Although there is a frequently voiced incompatibility between animal ethics and environmental ethics, the central dichotomy between treatment and use inherent in the rights/welfare debate nevertheless pervades much contemporary environmental ethical theory and practice that is chiefly concerned with so-called 'wild' animals and nature at large.
5. Despite its focus of moral concern on 'species' rather than individuals, the emphasis on *treatment* fostered by welfarist thinking 'evolves' to underpin and bolster the normative approach to both conservation and preservation theory and practice.
6. In this respect holistic and ecocentric theoretical approaches to our moral obligations to nonhumans are likewise not immune to the deep-seated presumptions that drive the rights/welfare dichotomy.
7. It is the underlying presumption of the legitimacy of animal 'use' that ultimately derails our moral dealings with nonhumans, and not merely questions over the efficacy of stewardship, treatment, or 'management' of these individuals or groups.
8. The *use or treatment* dichotomy that permeates our attitudes and practices to nonhumans cannot be wholly resolved by reference to capacities, species or notions of interconnectivity alone and requires a shift in emphasis.
9. This emphasis needs to be formulated upon the *illegitimacy of use,* which in turn can comprise a moral foundation for applied *biocentric individualism,* as argued for in this chapter.

5.1 Two movements

Humans are fond of stratifying life on earth and speaking descriptively about nature in terms of higher and lower forms of life. From a purely biological perspective, scientifically categorising life in terms of biological complexity serves many useful purposes, not least in defining nature's complex adaptive strategies and the processes of natural selection within each distinct evolutionary niche in terms of type, genus, species and sub-species. Indeed, through the scientific method we begin to make sense of the natural world around us, and inevitably, our place within its interconnected schema. However, the will to transpose these biological facts into a picture of life on earth that is 'ranked' from lower to higher forms, and thus make value judgements from this stratifying process is of an entirely different order - one that Darwin himself was at pains to avoid.[2] We may consider such ways of thinking about nature as generally reductionist in disposition (in the sense that nature is 'reduced' in some way to supposed hierarchical component parts). For the purposes of this work, this reductionist thinking tends to ostensibly fall into two categories: individualistic reductionism - which characterises the animal ethics view; and ecosystemic reductionism - which in turn tends to dominate environmental ethical thinking. In this sense the dominant view is that there are extant 'two movements' that consider humankind's 'place' in nature and our subsequent moral responsibilities to the nonhuman world.[3]

Individualistic Reductionism

Broadly speaking, identified in chapters one and two was the observation that the animal protectionist movement focuses in the main on animal individuals as sentient beings and on our ethics in relation to these beings. In this sense, the sphere of

[2] For Darwin there were no 'more evolved' or 'less evolved' species, only diverse adaptations due to environmental pressures. See James Rachels, *Created from Animals: The Moral Implications of Darwinism* (1990) for an excellent appraisal of Darwin's wider thought on the ethical dimensions of his theory.

[3] This of course ignores extant theological worldviews and purely scientific explanations. See Barbara Noske, 'Two Movements and Human-Animal Continuity: Positions, Assumptions, Contradictions' (2004) for further critique.

moral concern is the domain that is *that* nature which has evolved as individual and sentient - in essence *that* nature which can feel pain, pleasure, fear and multitudinous emotional responses.[4] This focus on *sentience* arises, in part, from the acknowledgment that there is clear evolutionary continuity between the human and animal condition. Of course acknowledgment of *human* sentience has deep ethical significance and is at the root of the condemnation of oppression, persecution, slavery, torture and multifaceted forms of overt abuse. Importantly for animal advocates, this human-animal continuity entails the acknowledgement that many animals have pysiological and neurological systems that resemble ours. The broad ethical observation to be fairly drawn from this is that if well-being is important to humans, it is reasonable to suggest that it is also important to other (sentient) animals. In brief, not only do many animals have bodies like ours due to our shared evolutionary provenance, but their 'subjectivity' - their mind and their emotional life - resembles our own.

Human animal/nonhuman animal continuity in both physiological and psychological terms calls then for a 'parallel' continuity in ethics. In short, this means that ethical obligations *vis-á-vis* nonhuman animals cannot be *radically different* from those *vis-á-vis* other humans. This form of reductionist thinking has, for many who would see themselves as environmentalists (or at least as possessing some 'green credentials'), limited appeal. With the animal rights focus on sentient individuals many environmental ethicists argue that most animal rights advocates are effectively indifferent to 'nature' - other than 'animal nature'. For example, the remit of the animal rights movement it is argued, whilst vocally condeming factory farming practices, has little to say about the globally extensive 'factory' farming of plants that are deemed as little more than a human crop resource. This, despite the fact that these methods turn hectares of diverse and often rich ecosystems into near sterile plant monocultures, whilst all the while destroying innumerable animal life in the relentless processes of production. It is argued that members of the animal liberation movement often seem to display little awareness of the 'violence' involved in bulldozing an acre of land or building a road.[5] A claim frequently made by many

[4] This is the working definition that Singer himself proposes. Peter Singer, *Animal Liberation* (1990).

[5] This observation is made by J Livingston in his book entitled *Rogue primate: An exploration of human domestication* (1994).

green thinkers in this respect is that those animal ethicists who would support individualistic reductionist thinking and advocate a focus upon individual pain and suffering have in some way lost touch with 'nature' as an interdependent system where everything has its place, function, and appropriate physical organisation. It is suggested that due to the alienating effects of urbanization, technological optimism and the modern urbanocentric mind-set most urbanites no longer see nature as the 'community of killing', that historically closer familiarity with the animal community engendered.[6] Herein, as Barbara Noske points out, many argue that the animal movement tends to portray animals as though *they themselves* were isolated, city-dwelling consumer-citizens, living entirely outside of any ecological context.[7] Such a view amounts to a form of reductionism, one that we may call *'individualistic reductionism'*.

A characteristic, therefore, of the modern debate is that many greens argue that consideration for the plight of wider ecosystems elicit at best moot response from mainstream animal rights groups. There is, it is fair to say, a reasonable retort from animal rights advocates, in that any 'movement' needs to address itself to *specific* issues and must delimit itself to its proclaimed aims and objectives if it is to have a reasonable chance of reaching these aims and goals. Thus, the animal rights movement concentrates the majority of its efforts on 'domestic' sentient animals (in the main those animals that are deemed to be 'directly' and purposely affected by human activities such as farmed animals, companion animals and hunted animals – those previously designated under the general descriptive phrase of 'anmials in human servitude'), and leaves much of so-called 'wild' and 'managed' animal protectionism (those creatures in diverse ways 'indirectly' affected by human activity) to other organisations who profess such aims [8]. In this context it is legitimate to think of the 'restricted' concern for particular groups that movments such as the animal rights lobby forward, not as a narrow, naive or inconsistent viewpoint, but as one that

[6] Lemaire contrasts modern vegetarianism and its largely urban provenance with predatory nature and its independent organisation in, *Met open zinnen: Natuur, landschap, aarde* (2002).

[7] Noske (2004).

[8] Such organisations are of course numerous, with diverse emphases on various aspects of animal and environmental protectionism. These range from government sponsored agencies such as the environment agency and country side councils to private organisations such as woodland and wildlife trusts, the Green Alliance, the RSPB, the Marine conservation society and environmental Protection UK. See http://en.wikipedia.org/wiki/List_of_environmental_organizations for an extensive list of extant organisations in the UK and worldwide.

merely aims at addressing *specific* animal abuses in what may be considered distinct 'man-made' circumstances. The claim by many environmentalists that animal rightists are therefore 'indifferent' to wider nature, and thus ignore the complex ecosystemic interrelationships of life on earth in their focus on individual sentient life, should be contextualised.

Ecosystemic Reductionism

If we are then to attempt to contextualise the divergent debate and the subsequent emphasis on what it is that merits protectionist initiatives in each case, we firstly likely need to identify what may be the 'working' definition of the term 'animal' itself that each perspective normatively employs. For example, 'animals' for people in the deep green/deep ecology movement are first and foremost wild animals - i.e., fauna living in the wild. It is not sentience or cruelty issues that are central here: it is nature, naturalness, and environment.[9] In contrast, for most animal ethicists the term is generally understood as *other-than-human* sentient beings. So, there is a sense of 'animality' and 'wildness' inherent in a (deep) green interpretation of nature – one that is intrinsically seperate from the built environment – and one that is not empahsised to this extent within the animal rights movement. For many, this separateness is of course implicit in the very word 'environment' - as meaning in its literal sense *that which surrounds us,* and here there is an evident lingusitic distinction built into the concept of 'the' environment between the human and nonhuman domain.

Certainly, in biological terms, we are nevertheless as much a part of (in the sense that we are not *apart from*) the environment as any other 'thing' (both animate and inanimate). Oddly enough – and perhaps because one would expect the inverse - it is the animal protectionist movement rather than the deep ecology movement which invokes animal-human continuity as a line of reasoning for considering animals as individuals. For animal rightists this 'shared' animality is both cause for greater caution in our presumed use of other sentient beings (they share a physiological and psychological provenance with us), and also a reason for

[9] Baird Callicott is happy to make this distinction that determines 'naturalness' as a primary criterion for ethical ascription, *In defense of the land ethic: Essays in environmental philosophy* (1989).

recognising our (possibly) unique human traits. One such trait disussed in this work may be our distinctive developed predisposition within the animal kingdom for what is generally understood as 'moral agency'.[10] Importantly for animal advocates this predeliction (albeit itself an evolutionary 'development') demands incumbent moral duties to nonhumans (as well as of course to humans) arising from this inescapable biographically and biologically acculturated 'moral nature'. As previously noted, in contradistinction to animal rightists, advocates of a holistic view tend to conceptually and pragmatically equate 'animals' with their species (including here the human animal). Equating animals with their species, and by extension with their place in the ecosystem, amounts to another form of reductionism (as individuals are thusly 'reduced' to designations). In this sense it may properly be termed *ecosystemic reductionism.*

If many holists criticise the focus on individuals that the animal rights-based view posits as forming an inadequate response to the challenges of environmental ethics, then likewise many animal ethicists perceive shortcomings in the ecocentric or systemic perspectives. The immense suffering caused to animals in what many greens would view 'domestic' settings – in particular farmed animals - elicits scant concern from many environmentalists. Many deep greens therefore have little interest in domesticated 'animal nature', and generally speaking tend to be rather uninformed and unconcerned about the way animals are treated in factory farms and laboratories. Can however such clearly draw distinctions be made between animals in human servitude, those designated as feral, and so-called wild animals?

A problematic commonality?

So, how then are we to navigate between ideas of individualised ethics and ecosystemic reductionism? Gary Varner reformulates one argument that has been widely influential within the debate,

1. 'Environmentalists reach the conclusions they do because they are conerned with values that reside in wholes (species, biotic communities, and ecosytems)

[10] I use the term in the widest context to refer to the fact that humans have developed as social creatures and as such individuals learn complex social interactions requiring convoluted understandings of the normative 'moral' boundaries that are acted out within the societal milieu by 'moral agents'. In this sense moral agency is an inescapable evolutionary trait.

2. But only indiviudals (perhaps only conscious individuals) have interests.

3. Therefore appeals to what is in nature's interests will not provide firm philosophical support for the environmental agenda' (1998, p.6).

The animal rights-based view questions the normative 'place' of animals in human society and ethics. In this sense it may be reasonable to propose that animal advocates could, perhaps, bridge the gap which separates it from holistic approaches by 'overcoming' its exclusive focus on sentience. It could, for example, extend its compassionate ethics so as to include the non-sentient and even the inorganic. The difficulty of course would lie in its capacity to then broaden its perspective to include the whole earth without simultaneously humanizing and colonizing it (an extreme scenario might be troubling initiatives to 'protect' prey animals or a program of eradication of all predatory animals altogether). If compassionate society is about broadening the remit of ethics, many radical green perspectives such as deep ecology, conversely espouse a compliance with and obedience to nature's measure, nature's rhythm and nature's limitations.[11] For example, deep ecology's central thesis proposes a compliance with a conceptual nature that includes things like mortality, predator-prey relationships, precedence of species, and finiteness. In this way, instead of asking how animals are part of human ethics, deep ecology asks how animals (and humans) are part of nature.

One point of theoretical *convergence* however is that both a broad environmental ethic and an animal rights-based ethic are, at least notionally, united in their rejection of the legitimacy and efficacy of anthropocentrism (at any rate in its more crude forms). This bedrock of shared principle is not to be ignored. If indeed the driver for a reassement of our principles and practices towards the nonhuman world is a genuine willingness to view other-than-human entities as possesing some degree of independent value (albeit assigned various significance according to ideology), then the approaches that both the animal rights view and a broader green view engender may represent a (divergent) 'working out' of a shared ideology, rather than constituting an oft-cited ideological chasm. The apparent dichtomy of approach between animal rights advocates and environmentalists may be less one of

[11] Livingston makes this distinction explicit in his exploration of human domestication of primates in *Rogue primate: An exploration of human domestication* (1994).

irreconcilable ideological perspectives, and bettter viewed more straightforwardly as *different approaches to somewhat different protectionist challenges.*

This is of course not to deny serious ideological differences in perspective (in particular where the emphasis of concern lies – primarily with 'species', or foremost with 'individuals'), but to merely suggest here that each view need not automatically be assigned the 'mutal exclusivity' that tends to dominate the contemporary debate. Tom Regan's famous adage that 'Environmental fascism and the rights view are like oil and water: they don't mix' is astutely made (2004, p.362). Stretching this analogy somewhat, this does not however mean that each component part cannot reside in the same space, share similar properties and bring their distinctive qualites to the whole. Significantly, adopting this 'inclusive' proposition may, at minimum, open up consideration of common-ground between the theorectical emphases that each position holds. Indeed, in this context, it is the possiblity (and desirablity) of consideration of such common ground that foments a central theme of this work.

Within the extant theoretical underpinnings of each prescribed view, is there then to be found any speculative commonality? The normative protectionist aims of the 'standard' welfare approach (discussed in chapter two) certainly premises its arguments upon notions of some moral duties and obligations encumbent upon humans in their daily treatment of nonhumans. Likewise, paternalistic forms of conservation (considered at length in chapter three) are consistently underpinned by an accepted belief in a requirement for humans to recognise their systemic place in nature and act accordingly. In this respect, both views emphasise human agency and direct obligations toward other-than-human life (and for some, by extension, inanimate nature). If there is indeed therefore to be found a shared ideological premise, it is likely a prescriptive assent to some form of 'stewardship' encumbent upon human beings. For instance, in the nominal animal rights literature this normatively takes the form of 'welfarism'; within environmental thinking, 'conservationism' and 'protectionism'. I believe the pragmatic distinction is one of focus. For welfarists it is the treatment of individuals (and sometimes groups), and for environmentalists it is the treatment of groups (and sometimes indivduals). Both, nevertheless, bring to the debate this shared presumption of stewardship.

This presumption of stewardship as legitimate was however challenged in chapter three and four. It was suggested that such a supposition may in fact share

an underlying failing, in that our taken-for-granted moral obligations and duties are bounded (and I believe constrained) by normative concepts of stewardship alone – in essence, that we do 'what we can'. Stewardship in this sense frequently translates to doing our best with the convuluted 'complexites' of extant interrelationships. This emphasis on 'best' treatment is exemplified across the broad spectrum of human/animal interaction from welfare practices concerning domesticated animals, to the emphasis on selective stewardship endemic to conservation policies, and further finds place in the 'eco-refocusing' found in much green radical thought. In short, can a 'doing our best' ethic continue to be maintained as an appropriate, legitimate and wholly sufficient moral response to our dealings with the nonhuman world, and crucially for this work, the living creatures that share the enviroment with us humans?

5.2 Animal Ethics as Environmental Ethics

If we are then to seriously consider nonhumans as individual bearers of value, it is not necessarily the case that we have to abandon ecologically based ethics anymore than we would need to do so if we consider humans to be bearers of individual value (Livingston, 1994). This elementary observation is frequently overlooked in the wider debate. Ethical deliberation regarding principle and practice is of course largely a matter of considered scrutiny of principles as well as specific application, and it is this eclectic process that helps establish the requisite moral 'priorities' in each case in point. This is not to suggest however that the diverse ways of viewing nonhuman nature discussed to date are to be somehow conflated in application. Indeed, as our discussion in the previous chapter contrasting holistic approaches and animal advocacy drew out, our worldviews clearly have far reaching divergent theoretical and applied consequence with regard to our attitudes to animals and their subsequent treatment. It may fairly be said however that there are certain 'facts' that underlie these divergent approaches that each view needs to confront. For example, the appropriate treatment of wild animals can variously pertain to questions over such things as the relationships between each other (that is intraspecies 'facts'), those questions that relate to the interaction with the environment in general terms

(the dynamism of systemic 'facts'), and facts about animals that belong to other species (the veracity of interspecies 'facts').[12] These sorts of substantive deductions can, and frequently do, establish a backdrop for such normative judgments within animal advocacy.

It is upon these sorts of 'facts' that the holism of a good deal of environmentalism ostensibly trades, and this approach is typified in Holmes Rolston III's remark that 'what is in nature may not always imply an ought (and it may seldom do so in interhuman ethics), but ought in environmental ethics seldom negates wild nature' (1998, p.79). But how might these sorts of 'facts' about the interrelationships between humans, nonhumans and the environment relate to one another in the context of the divergent theories? On the one hand many advocates of individualistic rights-based views argue primarily from an initial conception of 'respect'.[13] This notion is worked out in diverse manner within the sometimes disparate 'animal rights' theoretical frameworks, but nevertheless share the common basis of respect as the building block for arguing the moral case for animal advocacy as the predominant virtue. On the other hand, as discussed in the previous chapter, for many holists this notion of respect is for them 'broadened' (rights-based advocates would argue 'diminished') to the ecosystem at large rather than residing with individual animals - with the individual contribution to such forming a contributory factor alone in the respect due to the 'whole'. Again, this difference is not merely one of semantic divergence. For Rolston for example, there is a definite core *category* separation of 'human' (and for Rolston I suggest here a conflation of normative traditional ethics and contemporary rights-based positions in that both are viewed as 'human' ethics) and environmental ethics, and he posits: 'In an environmental ethic, what humans want to value is not compassion, charity, rights, personality, justice, fairness, or even pleasure and the pursuit of happiness. Those values belong in interhuman ethics, in

[12] Laura Westra makes this broad tripartite distinction in her ethic of 'limited hostility', and I extrapolate her general points in terms of *intraspecies facts*, *systemic interrelationships* and *interspecies veracity*. See 'Ecology and Animals: Is There a Joint Ethic of Respect?' (1989), p. 220.

[13] I use this term in the loosest and non-technical of senses here, simply to imply that if it is admitted that there exists notions of at least some moral obligation to nonhumans (that we cannot do simply what we wish), this implies a degree of 'respect' (and likely a sympathetic disposition) be present in order to make sense of the need for moral obligation in the first instance – in short, that if at least some sense of respect is totally absent, it is difficult to see how any normative obligations could consistently follow.

culture, not nature, and to look for them here is to make a category mistake' (cited in Westra, 1989, p.225).

A reconciliatory ethic

There would seem to be little hope of any firm reconciliation of so-called 'human' ethics and environmental ethics on the above account. But as J. Baird Callicot himself observes in his response to Dale Jamieson on the convergence of animal and environmental ethics, 'animal-liberation ethics and environmental ethics are closely related, theoretically, and natural allies, pragmatically.'[14] Despite the theoretical and applied nuances of holistic and individualistic approaches (and intermediate positions) that have preoccupied the preceding chapters, the fact remains that the central concerns of animal ethicists and environmental ethicists share common ground: namely, a suspicion and condemnation of taken-for-granted overt anthropocentrism in our dealings with the nonhuman world. I believe that this commonality is all too frequently overlooked in the inevitable theoretical allegiances forged in the heat of the debate.

Historically, during the effective emergence of the formal animal-liberation and environmental ethical movements in the late 1960's and early 1970's much of the attention was centred upon concerns for anthropogenic species extinction and habitat and ecosystem destruction, and these sorts of 'holistic' concerns were generally conflated with the individualism of the emergent animal-liberation movement. What Callicott's work initially drew was a distinction between the two emergent nonanthropocentric ethics that the respective positions fomented. In this respect the modern debate was born - and tangible allegiances forged. However, those who share the common ground of condemnation of overt anthropocentric practices, in practice, are not nearly as polarized as the polemics of the debate suggest. Many 'environmentalists' are in fact deeply concerned with the pain and suffering of individual animals *alongside* concern for their habitat loss and

[14] J. Baird Callicot is of course a pivotal figure in the animal-liberation/environmental debate and his seminal work 'Animal Liberation: A Triangular Affair' is often cited as a foundation for the schism that has dogged the contemporary discourse. Callicott himself has however formed a more conciliatory approach belatedly. This citation is from the opening paragraph of J. Baird Callicott's further response to Dale Jamieson's critique of Callicott's initial paper following a 'Triangular Affair' which was entitled 'Animal Liberation and Environmental Ethics: Back Together Again'. The 'corrective' (Callicott's term) response follow-up paper that the actual quote is taken from is suffixed 'Back Together Again, Again' (1998).

ecosystemic degradation and destruction; likewise, many animal rights advocates (and certainly the vast majority that I have personally encountered) also have an working awareness of the interconnectivity of species and the importance of habitat retention to individual (and group) flourishing.[15] There is, I believe, frequently a false dichotomy fostered in presumptions, from either 'camp', of mutual exclusivity. What I mean here is that in realistic terms if one 'cares' for the environment, it is unsurprising that the same individual also has concerns for the 'things' that make up the environment. To suggest otherwise is to draw an anaemic picture of the complexities and interrelatedness of being, that humans share and experience along with the rest of life on earth.

An adequate environmental ethic may in fact demand more of us than a radical critique of our inculcated attitudes and dispositions towards nonhumans. At the core of our questions over the moral responses to the nonhuman realm must be the meaning and value we give to our *everyday* interspecies interrelationships. Can this meaning be found within the boundaries of any one ethical discipline, and must 'animal ethics' and 'environmental ethics' embrace a pragmatic interrelationism if it is to begin to change hearts as well as minds? If such instrumentally blinkered human centered ethics seems, as Bryan Norton suggests, at present 'incapable' of 'recognising the fluidity of contemporary environmental issues and values, do we need a new ethic and theory of value' (2005, p.298)?

It is however, in part, these sorts of self-proclaimed complexities seen to be endemic to the 'web of life' that make formulating adequate ethical responses to diverse nonhumans and nature at large both challenging and problematical. Notwithstanding, attempts to 'redefine' the place of animal advocacy within the wider environmental arena have more recently been attempted. Dale Jamieson, for example, proposes what Callicott describes as a kind of hybrid animal-liberation/environmental ethic (Callicott, 1988), and so for Jamieson, 'one can go quite far protecting the environment solely on the basis of concern for animals, because nonhuman animals, like humans, live in environments' (1998, p.260). Irrespective of

[15] This is of course not to suggest that care for the environment *of necessity* goes hand-in-hand with care for nonhumans *per se*. There are, naturally, diverse factors that determine one's understanding, passion, interest and emphasis that stem from a heady mix of sociological, psychological and cultural influences. I merely suggest here that 'environmentalists' and 'animal advocates' are in practice not so readily differentiated as much of the polemic of the contemporary debate suggests.

any shared ethos that environmental and animal protectionists may or may not have, on face value Jamieson's 'bottom up' claim here would not readily be embraced by the majority of mainstream holists, who (as discussed in chapter four) conversely, take a decidedly 'top down' view of nature (the whole *over* the parts). However, Jamieson presents a somewhat refined account of this claim. He proposes two kinds of intrinsic value, the first he designates as 'primary', the second as 'derivative'. Included in his primary conception are those beings 'who can suffer, take pleasure in their experiences, and whose lives go better and worse from their own point of view' (1998, p.47). Simply put, these are the kinds of beings that can be said to have interests - *even if* they are not interested in their interests (they have an inherent *telos* whether or not consciously aware of it). This categorisation necessarily then gives no account of non-sentient 'nature' as such, and certainly does not encompass species *per se*, biotic communities or ecosystems. Following in the rights-based tradition (as outlined in chapter one), Jamieson accredits primary intrinsic value to subjects-of-a-life as morally considerable (animate, sentient life in particular) and not inanimate nature (rocks, plants, water, atmosphere, and so on). His second, 'derivative', kind of intrinsic value is more subtle, and turns upon the notion that effectively there can be no value without a valu*er.* As Callicott explains it, 'value' is primitively a verb and 'intrinsic' correlatively an adverb (1999), thus as Jamieson puts it, 'we intrinsically [adverb] value [verb, transitive] something when we value it for its own sake (1998, p.261). So, we *can* value a thing (and this may well encompass species, non-sentient life, oceans, rivers, mountains – or in fact just about anything) intrinsically. However, those who would seek to subsume some or all to these 'things' under the derivative category would need to supply reasons why some things are derivative and others not – why, as Callicott observes (1999), old growth forests are to be valued intrinsically (derivative intrinsic value), and why for example a pair of old, worn-out shoes should not be valued intrinsically (and not assigned derivative intrinsic value).

Jamieson then, gives us a supplementary account of intrinsic value in his evocation of derivative intrinsic value in this context. But an immediate problem arises as to how we may consistently determine when derivative intrinsic value ought to trump primary intrinsic value. This is certainly a pertinent issue for many environmentalists, who may for example want in certain circumstances to override

the interests of a 'primary' intrinsic value holder in order to ensure the continued existence of a derivative one. For example, a common foraging animal such as a roe deer that has 'strayed' onto a conservation area containing a very rare plant species and threatens to immanently eradicate it entirely. This is not to necessarily condone extreme measures such as culling the animal (an all too frequent 'first resort' in practice), but to simply make the point that even in merely removing it we (perhaps in a 'weaker' sense) nevertheless clearly here prioritise a derivative holder *over* a primary one. These sorts of considerations of course raise foundational questions regarding the mainstay of animal ethics at large – the what (or whom) it is that deserves moral consideration. Drawing on the example above of the deer and the rare plant species, is it then ever in fact legitimate to choose the non-sentient lifeform over the sentient? Or, as Jamieson argues against in response to Rolston's view, 'that on many occasions we should prefer the lives of plants of those of animals.'[16]

This form of enquiry of course brings us full circle. As Callicott notes, Jamieson represents his 'hybrid' view as 'being rooted in traditional views of value and obligation' (1999, p.45). These 'traditional views' ostensibly reflect the twin pillars of modern classical ethics: utilitarianism and deontology. For Jamieson, the deontological approach to animal ethics demands recognition of the sentient subject-of-a-life as possessing (his form) of 'primary intrinsic value'. As discussed at length in the opening chapter to this work, it is, therefore, unsurprising that a theory founded upon the deontological approach should 'value' a notion of primary intrinsic worth (the deer in this case) above a derivative one (the rare plant).[17]

The 'environed' environment

Aside from this perennial problem of deciding upon value assignment in conflicts of interest, which as we have seen, are endemic to environmental ethical considerations, Jamieson's dualistic notion does not adequately answer the problem of species impartiality in respect to *preferential regard to humans* in 'lifeboat'

[16] Jamieson, in his conclusion, argues that we should normatively *not* in this context trump the primary value of the deer, p.45.

[17] See particularly the discussion of deontological ethics in respect to the modern debate in Chapter 1.1. of this work.

situations.[18] Again, we may in certain circumstances wish/need to override one primary intrinsic value holder's rights in order to protect another (for example where a choice must be made between two 'similar' species or individuals). Jamieson's primary/derivative theory is then arguably more acceptable to environmental ethicists in that it is more 'inclusive' in its allowance for derivative intrinsic value of the sorts of 'things' that preoccupy many environmentalists (species, biotic communities and so on). However, it tends in practice to merely *move* the recurrent problems of determining when derivative intrinsic value ought to trump primary intrinsic value and issues of species impartiality in respect to preferential regard to humans one deliberative 'step out' - whilst still giving little guidance on how these sorts of endemic problems be resolved. This is of course not necessarily a refutation of this inventive attempt to 'hybridise' environmental and animal ethics, but merely to suggest that despite its 'inclusiveness', the theory nevertheless has to confront the same sorts of ethical dilemmas that more 'straightforward' environmental theories are obliged to tackle as business as usual.

Talk of a 'shared' environment raises wider questions regarding the significance and meaning of what *it is* that is considered to be shared in this respect. Is, for example, this shared domain to be felt, in practice, one largely delimited by a shared 'local' biospheric commonality, or is it better understood more eclectically, as perhaps embracing the entire planet? In fact, much of the subject matter of this work has touched upon this subtle, but decisive differentiation in discussion of the diverse attitudes to animal advocacy arising from this delineation. For example, many individualists, would in general terms tend towards a more 'local' account of perceptions of environmental (moral) significance in concern for individuals, whom for them, are seen to be 'individually placed' within a given environment (be it a man-made one as in the case of 'the farm' or household, or a local populace ensconced within a natural environment). As we have seen, holists, conversely, take the wider and interconnected view - one which may well encompass the entire planet in environmental (moral) scope.

The key point here is that within this process of engagement, it is the living creatures that are extant within this environment that gives meaning to the very

[18] Although this phrase is used here in a general sense, there is of course Regan's (in)famous lifeboat scenario that considers such a direct conflict of interest and preferential regard.

conceptual term. Simply put, 'environment' (as used in its literal sense of 'surroundings') makes little sense if there are *no living creatures to be surrounded.* Robin Attfield expresses this *a priori* concept thusly, 'Environments never exist before the environed creature does, and cannot exist without such a creature. They comprise a process rather than a fixed objective entity, and are continually under construction through the activities of the living being environed' (1999, p.10). This is of course not to suggest that the inanimate elements that go to make up the vast majority of matter that we now call the environment does not in concrete form exist (and of course, pre-exist, complex life), or indeed form the basis for life, but rather that such does not rightly warrant the term environment *without* that which is environed. Neither, I contend, is this a forthright 'leap' from the ontology of 'what is' (in this case the environment *in toto*) to an assumption about where we place value (clearly an ethical declaration). It is rather a straightforward assertion of 'surroundings' as understood as a *necessary condition* of that which is surrounded (and in the context of this work, these constitute the living creatures that make up such). Indeed, conversely, I am singularly not inferring any substantive leap from the ontological 'nature' of nature (notwithstanding the 'intrinsic' value that nature may have that, for example, deep ecologists may wish to assert), or attempting a crude 'reading off' of ethical prescriptions from nature, but rather - more modestly – simply affirming that the 'meaning' we give to the concept of surroundings necessarily includes that which is surrounded therein.[19]

To clarify my point here, in respect to formulating adequate environmental ethical responses (our theories of right and responsibility) and subsequent axiological value theories arising from them, it is upon the *range of things that have import* that such value theories are normatively founded. In effect, to range a meaningful ethic merely upon the 'surroundings' itself is to negate the very term (and at once 'deny' Attfield's conceptual claim above). This claim is pivotal to the

[19] Likewise, I here make no direct claim to a derived value hierarchy that 'ignores' the qualification of pre-existing ecosystemic conditions in favour of living creatures alone. The biocentric individualism argued for in this work does not seek to 'ignore' the dynamic and sustaining nature of biospherical underpinnings, but rather to claim that our moral focus is more correctly (and fruitfully) centred upon the living creatures that are environed within given ecosystemic frameworks. In chapter 6, in discussion of holism and a biocentric approach, I argue further that such frameworks can in fact 'by extension' be afforded protection if we centre our concern upon those beings that make up such.

arguments presented in this work. If indeed it is a reasonable assertion to suggest that it is the animate (the living creatures) that bestow conceptual meaning upon 'the environment' (rather than the other way around), then any ethic that seeks to displace this central role of living beings is arguably misplaced. In this way, holistic environmental theories that attempt to amalgamate elements of the animate *and* inanimate (rocks, rivers, etc.) in an all-embracing schema, I submit, miss this assertion. If it is ostensibly upon the *range of things* that our moral theories are grounded, then an environmental ethic that is grounded in a range delimited by life itself (in that it is 'life' that gives conceptual meaning to 'environment'), would seem to present a coherent and consistent starting point for an environmental theory of value.

5.3 Biocentric Individualism: A starting point

Biocentric individualism, which recognises the moral standing of all individual living creatures, would arguably therefore constitute an appropriate ethical perspective in this key respect.[20] As Paul Taylor determines it,

> '...to view the place of humans in the natural world from the perspective of the biocentric outlook is to reject the idea of human superiority over other living things. Humans are not thought of as carrying on a higher grade of existence when compared with the so-called 'lower' orders of life. The biocentric outlook precludes a hierarchical view of nature' (1986, p.45).

In consideration of this non-hierarchical view of nature and the moral standing of life itself as morally important, the biocentric view largely differs from 'mainstream' alternatives to nonanthropocentrism in its focus upon attributing non-hierarchical moral standing to 'living' creatures. So for example, by way of distinction, two principal exemplars of converse conventional ecological thinking outlined previously include ecocentrism, which regards ecosystems and the biosphere as possessing moral standing independent of living creatures, and sentientism, which accords

[20] Robin Attfield makes this broad assertion (1999), p.27.

moral status to only those creatures that we suppose experience (humanlike) 'feelings'.[21]

For biocentrism, intrinsic value lies in the perceived 'good' of the bearers of moral standing (and on this account, the living). This perceptible good may include such things as the capacity for growth and flourishing, practical autonomy, and to live as 'natural' a life as possible. Clearly here, are distinct echoes of the criteria that a rights-based animal advocacy suggests - such as acknowledgement of individuals as subjects-of-a-life (although for most rightists only 'some' individuals on normative accounts), and usually some interpretation of a conceptual equal consideration of interests. Importantly however for the biocentric view (at least my interpretation of such), is that no *automatic* priority is accorded to beings that are deemed to be more sophisticated (and pointedly, this includes human beings).[22] Therefore, this claim would likely be resisted not only by affirmed anthropocentric human chauvinists and conversely holistic ecocentrists, but also by those contending an egalitarianism that professes a one-for-one form of equality across individuals or species based on notions of respect or reverence for life, for example.[23]

The form of biocentrism outlined here readily concedes and accepts that in matters of direct conflicts of interest that may involve discerning between more complex and sophisticated capacities, then such attributes *may* take precedence over simpler ones - but as Attfield points out, this is exclusively the case only where both are at stake (1999, pp.39-41). To reiterate for clarity's sake, no *automatic* priority is accorded to beings that are deemed to be more sophisticated or complex in nature. The criterion of this form of value-theory begins then with *the possession of life itself* as its pivotal moral principle. One not based upon human superiority; species membership; contribution to the whole; possession of sentience; stewardship; genetic kinship; 'respect'; or acknowledgement of difference – none of which, I have argued in this work, provide an ethical framework that is wholly consistent, tenable and defensible in the light of the *illegitimacy of presumptions of*

[21] Both ecocentrism and sentientism have previously been discussed in chapter 4.

[22] This is of course not to suggest that because humans are as much a part of the natural landscape that therefore the *moral landscape* is flattened to the degree that humans ought to therefore imitate other species' behaviours, or soliciting that we ought likewise to 'follow nature'.

[23] Paul Taylor develops a theory of respect for nature that attempts to recognise a form of equality across species worked out as a respect ethic (1986). Albert Schweitzer goes further and suggests a metaphysic of 'reverence for all life' as an attitude of being – see Meyer and Bergel (2002).

animal use (in that they concede when determining right action in direct conflicts of interest that humans and human interests invariably take precedence). It is then life itself as the *signifier* of the environment itself (that there is no meaningful environment without living beings), that gives moral weight to biocentrism's claim for the recognition of the moral standing of *all* individual living creatures as a starting point for interspecies moral deliberation. Taylor encapsulates these kinds of ideas in a fourfold assessment of what he determines within his biocentric schema as 'core beliefs' of an eclectic biocentric outlook,[24]

1. 'The belief that humans are members of the Earth's Community of Life in the same sense and on the same terms in which other living things are members of that Community.
2. The belief that the human species, along with all other species, are integral elements in a system of interdependence such that the survival of each living thing, as well as its chances of faring well or poorly, is determined not only by the physical conditions of its environment but also by its relations to other living things.
3. The belief that all organisms are teleological centres of life in the sense that each is a unique individual pursuing its own good in its own way.
4. The belief that humans are not inherently superior to other living things' (1986, pp. 99-100).[25]

Although these core beliefs for a biocentrically focused approach could, if taken together, arguably form a tentative schema for an understanding of the biosphere and our place within it, it is important to acknowledge that viewing 'life itself' as the primary criterion for moral standing does not mean, on the account forwarded here at least, that other things lack value of other kinds. 'Inanimate' landscapes for example, may well be seen to possess an value, not least in their aesthetic and inspirational appeal, or indeed for the straightforward instrumental value that such natural

[24] These core beliefs will be revisited and restated in 5.4, in exploration of the comparisons with my biocentric development and Taylor's approach.

[25] Taylor's use of the term *'teleological centres of life'* can readily be compared to Regan's *'subject-of-a-life'* criterion. There are of course important differences in scope and inclusion (Regan's subject-of-a-life for example is primarily delimited to sentient life of a year or more). Nevertheless, the primary focus of the *individual* as an independent and autonomous being, I believe gives credence to a tentative comparison in the context of this work.

resources hold for those animals ensconced therein (including of course, human animals). In accepting a plurality of values of different kinds, in this limited sense biocentrism is pluralistic in nature. This embedded pluralism in the form of biocentrism that I am advocating here recognises that value can readily be assigned on both an inherent and instrumental basis (to, for example, 'ecosystems'), but *without recognising independent value in them, or independent moral standing.* In short, merely because the environment is both dynamic in nature and the arena for life itself (and to be highly valued in this respect), this does not then mean that it therefore carries any meaningful moral status in and of itself. If we are to accept the possibility of positing any moral status above and beyond a strict anthropocentric delimitation (and the body of this work openly argues that we ought), it is, I suggest, the living creatures that, after all, *give meaning* to the environment itself whereupon moral standing is to be centred.

Putting the 'individual' into biocentric individualism

However, simply denoting 'living creatures' as a basis for moral standing again raises the sorts of thorny perennial questions for animal advocacy regarding individualism and holism discussed in chapters three and four. If we determine that it is life itself that should form a foundation for subsequent moral deliberation, the question remains unanswered as to whether the focus of moral standing is to be accorded to individual living creatures (as possessors of individual being), or upon aggregated notions of 'living creatures' such as species (as possessors of, if you like, a 'shared' being). Furthermore, the dichotomy is not as clear cut as this enquiry suggests. It is, for example, reasonable to suggest that the continued existence of species has prominent instrumental value in that the continued existence of individuals (possible future 'individual' *members* for instance) is interwoven with the continued existence of its phenotype. Therefore, moral status could not be conferred upon any individual monkey for example, without there being extant some category recognisable as 'monkey'. However, recognising this does not therefore equate to recognising intrinsic value for species, *unless* this category can clearly be seen to possess an independent good of its own (Attfield, 1999).

To clarify, holists may of course retort that the very fact that species spawn individuals of that species makes it nonsensical to try to disentangle the individual

good of members from the 'good' of the whole. The problem here however is that in such a holistic account, the notion of species itself would have to be proven to possess a good of its own *independent* of its actual (and possible) members. This task would seem to be forlorn, in that it is highly implausible that a 'category's good' can be proven to be completely independent in this respect. Therefore the problem is not, as holists may propose, that because species spawn individuals of that species it makes it nonsensical to try to disentangle individual members from the whole, but rather it is that it is nonsensical to attempt to disentangle the notion of 'species' *from the individuals that have a good of their own* independent of our aggregated categorisation.

Regardless of the difficulty in 'proving' the good of a species in this way, a biocentric account as presented here does not in fact deny that species' flourishing is a key element of biodiversity. If a multitudinous array of species face extinction (and thus a multitude of 'future' individuals), then the threat to biodiversity (literally 'life-diversity') is clear both from a biocentric perspective and an eclectic holistic viewpoint. Again, this is not however to concede that biodiversity is necessarily something that demands moral plausibility *in and of itself*, but it is certainly to recognise that biodiversity has value independently of human interests (a largely normative nonanthropocentric claim). In this limited sense of valuing biodiversity, biocentrism has no serious contention with a holistic approach and its central aims. But again, this is not to claim that notions of biodiversity have to therefore hold sway over and above that of the moral import of the individuals that make up this perceived diversity. Biodiversity can, perceivably, just as readily be interpreted in individualistic terms (many individual creatures of many and varied types) as it can be perceived of in terms of species (many and varied types). The core claim here is that when deciding on instances of direct conflict of interests, it is unhelpful to try to assess what these interests may be on an aggregated notion of species flourishing alone - as species in this sense *do not possess a good of their own to be decided upon.* Attfield sums up how a biocentric view can accommodate the wide ranging concerns of animal and ecosystemic advocates,

> 'Unlike ecocentrism, biocentrism avoids making a (vulnerable) appeal to the supposed intrinsic value of the health of ecosystems, supporting ecosystem preservation rather through its importance to the well-being of creatures. A biocentric ethic supports biodiversity preservation directly, and also reinforces

> cultural arguments: aesthetic arguments turn out to concern preserving for appreciation, and scientific arguments to concern for preserving for study or appreciation' (1999, p.139).

It is at this point noteworthy that a biocentric ethic, as forwarded here, must recognise the impossibility of preserving all life, and acknowledge the complex implications for practical application.[26] There will be instances, for example, where there is a need to invoke criteria such as capacity or ecological relations in situations of conflict resolution and the appropriate moral response. Invoking these sorts of considerations are however fully compatible with a biocentric and individualistic approach, in that such attributes are clearly constituents of 'life' in diverse and particular ways. What I mean here is that in viewing 'life' as deserving of moral standing, 'life' is not to be seen as some intangible or conceptual hypothesis, *but carries with it* an immanent plethora of criteria for decisive moral consideration. At the same time biocentrism maintains as a central maxim that no *automatic* priority is accorded to beings that are deemed to be more 'sophisticated' and thus accords value upon the superfluity of particular criteria arising from individuation in and of itself. In short, a determination not adjudged upon hierarchical precedence or perceptible 'importance' to human designated constructs of nature, but upon extant considerations of the attributes arising from individuation itself.

Some problems for the biocentric view

Again, despite these particular claims, it is to be admitted that a biocentric view inevitably shares the recurrent problem of the impossibility of preserving all life in equal measure (as all applied environmental theories must pragmatically face). I believe that this limitation is to be readily accepted, in principle, in all ethical theories that attempt to understand our moral obligations to the nonhuman world. In a nutshell, wheresoever the delimitations of our moral obligations are drawn, ultimately

[26] It is noteworthy however that the practical implications for a biocentric application are palpable and far reaching. For example, it is well documented that in order to produce one pound of bovine protein, an animal needs to be fed 21 pounds of plant protein. The ratio for pork is 8:3 pounds and for poultry 5:5 pounds. On these simple calculations alone it is clear that an applied biocentrism (and it is my view that a truly consistent respect for life ethic arising from biocentrism would necessarily entail effective cessation of meat-eating) would require far less acreage of land and foment an opportunity for enabling vast areas set aside for nature and nonhuman flourishing (including 'freed' farmed species), and of course does not exclude the revitalizing potential for future human enjoyment thereof.

these will always operate in deference to the dynamic decay and regenerative processes of the web of life itself; the processes of which operate equivalently across the human and nonhuman domains. Biocentrism furthermore strives to uphold its central maxim of no automatic priority to hierarchical or group distinctions whilst concurrently needing to deal with endemic conflicts of interest as business as usual. It is in this respect of its central maxim that a biocentric approach inevitably sets distinct challenges for our moral deliberations regarding nonhumans that other protectionist theories discussed thus far in this work do not.

These distinct challenges are not as alien to normative moral intuitions as a cursory reading of biocentrism might however suggest to some. Jason Kawall asks us to consider a thought experiment that is worth reproducing here in full:

> 'You are walking along a sidewalk and notice that there is a small insect just ahead of you. You can easily avoid killing it by slightly adjusting your step, and at no expense to yourself. Most of us will hold that in this sort of case you ought to avoid stepping on the insect. It is not an overwhelming moral duty, but it does seem like a simple good thing to do. We thus have a straightforward case in which most people (who don't consider themselves biocentric individualists) attribute some degree of intrinsic value to a creature simply in virtue of it being a living thing' (2003, p.341).

There are several important points arising from this everyday occurrence that need unpacking here. Interestingly, it is the mere fact that it is a living creature (and not for example an item of litter) that ostensibly seems to be the motivation for the employment of the avoidance strategy in this case. It does not seem to be concern about slipping or soiling a shoe that provides the motivation for the act - as the stipulation in the example is that avoidance would be at no cost to oneself, and therefore it is to be fairly surmised that our shoe or person would be unaffected. Claims of self-defence or overly demanding cost-benefit would not therefore seem to serve to explain our avoidance of the insect in this instance. Neither is it apparently a case in this illustration of destroying a creature that has some aesthetic beauty or obvious rarity, as the stipulation is that it is merely a 'small insect'. Again, a claim of a duty of 'preservation' of something that is deemed to have aesthetic or rarity value cannot be adequately advanced here to explain the avoidance tactic. Furthermore, the insect does not represent the sort of creature that is straightforwardly recognised as being something 'like us', and thus an argument for refraining from killing a

sentient 'human-like' being that we 'know' will obviously suffer does not likewise apply. Additionally, the scenario does not rely upon an avowed sentimentalism or naive anthropomorphism - as we are not attributing any human-like complex cognitive or physiological capacities to the creature, and thus our actions cannot readily be charged with mere anthropomorphic sentiment.

As Kawall rightly points out, not everyone of course will share this reaction to the insect, but at the very least, it does seem to constitute an extremely common response. It is of course true to say that the killing of countless similar insects is carried out daily in standard husbandry practices with the (over)use of pesticides and other controls. However, in the instance of animal husbandry notions of 'self-defence' in preservation of valuable crops, and/or the need to safeguard food supplies may arguably be advanced as legitimate. Notwithstanding, these kinds of notions are not however pertinent to Kawall's commonplace scenario.

Biocentrism has of course had its supporters and detractors.[27] Generally speaking, biocentric theories – and as an early, and well-known interpretation this tends to concern Paul Taylor's conception of biocentrism in the main - have been criticized on broadly four main fronts: for being too individualistic; for being too morally demanding in practical terms; for inconsistency between principle and theory; and for having little to say on our moral obligations to animals in human servitude.[28] The first is an obvious criticism levied at individualistic accounts overall. As discussed at length in the previous chapters, inevitably those who view the world in anthropocentric or holistic ways, or who wish to emphasize the interconnections or contributions to the whole will, ultimately, find difficulty with *any* theory that proposes an individualistic account of nature (and will of course find difficulty with most animal advocacy theories that focus upon use and treatment of subjects-of-a-life – and that likewise concentrate in the main, on the individual).

With regard to the second general criticism, it may be reiterated that merely because a moral theory is perceived to be supererogatory, this claim does not negate its consistency or exactitude of argument. If our actions can be substantively argued to be morally indefensible, merely citing the difficulty of implementing such

[27] For some interesting and varied criticisms of a biocentric approach see, Gene Spitler (1982), Bryan Norton's review of Taylor's *Respect for Nature* (1987), Peter Wenz (1988), Holmes Rolston III (1988), Joseph Des Jardins (1993) and Michael Zimmerman et al (1993).

[28] See James Sterba (1995), pp.191-95, for an exploration of each of these criticisms.

does not constitute a valid counter argument. It may of course be the case that 'utopian' theories can transmute into dystopian antithesis in practice, but again this says little about the robustness of the argument in question, and likely more about its perceived and prospective implementation in practice. In any case, irrespective of these observations, I propose that the biocentric approach outlined here does not demand theoretically more than normatively applied human ethics in its central claims that 'life' is to be valued in and of itself, and in its maxim of attributing no automatic priority to hierarchical or group distinctions – both of which are firmly enshrined in human rights legislation.[29] Furthermore, the demands that may arise from the adoption of a biocentric outlook reflect in large part the same sorts of ethically complex decisions that plague both consequentialist and deontological mainstream ethical theories. For example, a straightforward utilitarianism may require us to 'calculate' potential pains and pleasures at every moment – no easy task for sure. Kantianism may require repeated verification that each judgment is made in accordance with the categorical imperative – again fraught with complexity. Regarding operability then, it is more a deep seated unwillingness to extend the basis for our normative ethics (essentially some concept of the inviolability of life) beyond strictly human boundaries (essentially, the 'too demanding' aspect), rather than to successfully argue its ineffectiveness in principle or practice.

The third criticism in large part tends to reflect Taylor's own claim to principles of proportionality and minimal harm.[30] The primary criticism here turns upon the question of why it is that some ways of aggressing against the basic needs of wild animals are deemed to be incompatible with Taylor's formulation of the attitude of

[29] Of course the delimitation of which is 'human' life in this instance. Nevertheless, my point here remains valid - that irrespective of its human boundary delimitation, the ethical presuppositions do exist and are widely accepted in everyday understanding, and that possession of life and equality of consideration of interests form key foundational and normative ethical and legislative concepts in modernity.

[30] Taylor formulates and expands upon these principle in his *Respect for Nature*, pp.269-91. It is unnecessary to critique the merits and demerits of these principles at length in the context of my aims at this point (I explore some of these aspects further in 5.4), but in order to illuminate on further argument, the principles run thusly: *A Principle of Proportionality: Actions that pursue non-basic human interests are prohibited when they aggress against the basic interests of (wild) animals and plants and are incompatible with the attitude of respect for nature. A Principle of Minimal Harm: Actions that pursue certain non-basic human interests are permissible even when they aggress against the basic interests of (wild) animals and plants provided that they are compatible with the attitude of respect for nature and provided that no alternative way of pursuing those non-basic human interests would involve fewer wrongs.*

respect for nature, whereas other ways of aggressing against the basic needs of animals and plants are compatible with this attitude. The criticism is therefore one of forwarding priority principles that are inconsistent with the general theory of respect for nature. James Sterba however provides a modified and conflated account of these principles which, I believe, is at least closer to a liberal understanding of the straightforward principle in operation in contemporary human ethics. This is constituted primarily as an injunction that prohibits meeting some people's *non-basic* or superfluous needs when it is in direct conflict with satisfying the *basic* needs of others. Sterba terms his principle 'A Principle of Disproportionality' which states, 'Actions which meet non-basic or luxury needs of humans are prohibited when they aggress against the basic needs of individual animals and plants, or of whole species or ecosystems' (1995, p.199). Sterba's formulation does of course open itself up to the criticism of being far too demanding in its intended scope in much the same manner as Taylor's principles, but does at least tentatively avoid Taylor's *principle to theory* inconsistency in its wider remit of allowance of inclusion of more than individuals.[31]

The fourth common criticism of Taylor's version of biocentrism – that of having little to say on our moral obligations to animals in human servitude is, I believe, largely warranted. In Taylor's defence, his respect ethic is squarely aimed at formulating a framework for human/animal interrelations as they pertain to the 'natural world', and for this reason those animals that may be viewed as *already* under the direct control of humans are indeed principally excluded. In this respect this omission is one of scope rather than distinction. Such an omission does however raise questions over the applicability of biocentrism (at least Taylor's version) to animals in human servitude (and primarily domesticated sentient beings).

'Weak' and 'strong' biocentrism

If we are to concede that one model of our positive obligations to others is, within human ethics at least, one of concentric circles of positive obligations (that broadly we start with those closest to us, such as family, and work 'outwards' in strength of

[31] But, in doing so opens up the criticism that it must contend with the very problems already discussed in the context of holistic approaches that attempt to include the non-living under a moral paradigm. In this sense, Sterba opens up a can of worms that undermines the inherent strength of the individualism embedded within the 'mainstream' biocentric view.

moral obligation), then it is feasible on this account that we may owe comprehensive moral obligations to those animals in human servitude that fall under the category of 'companion' domesticated animals. In many instances, in practice, these nonhumans form part of the family group (or at least certainly elicit some direct obligations of duty and care as a prerequisite minimum). In this way our positive obligations to nonhumans who fall under a 'primary' circle of care within the concentric framework can, I submit, in fact include a wide range of animals in human servitude. However, despite widespread professed animal welfare concerns, those domesticated animals that *fall outside* of the category of 'companion', may in some estimations be relegated to the very outer rings of the concentric circles of moral obligation. It was precisely this category of nonhuman animals – those that I have argued fall into a 'moral vacuum' regarding our positive moral obligations within the concentric paradigm - that formed the central arguments against the presumed legitimacy of use discussed in chapters one and two.

It may appear therefore that a biocentric approach (at least on Taylor's account), would seem inadequate in dealing with our positive moral obligations to what is after all a very large category of nonhuman animals – namely, those various types of animals that we raise primarily to slaughter for meat. This conclusion would certainly seem a reasonable one, in that it is difficult to see how we may at once 'respect' the life of an individual being in a full biocentric sense, and concurrently legitimate the premature ending of that life for trivial purpose. The constraints incumbent upon us arising from the kinds of positive obligations that biocentrism may engender on face value – loosely, the obligations to 'do good' to other living beings and foster a respect attitude to nonhuman nature - are with regards to our interrelationships with nonhumans at large, limited in opportunity and scope.[32] I propose then that in this sense, it is these kinds of 'positive' obligations derived from a reading of Taylor's biocentric model that form that I want to call the 'strong' biocentric argument (I critique further the points of intersection and departure

[32] The sorts of positive limitations to 'proactive' action are evident in our interactions with 'wild' animals in the sense of their detachment from everyday human situation. Likewise, as I have argued in chapter two, it is difficult to see how the 'scope' of welfare initiatives that accept killing with kindness are actually doing 'good' to the individuals in question. It is perhaps more clear how we may arguably display attitudes of positive obligation to companion animals that may fall under 'primary' concentric concern.

between Taylor's view and my developed biocentric approach in this respect below 5.4).

Before developing this idea further, there is a subtlety to be briefly drawn out here regarding the arguably troublesome delimitations of what is to be included in our positive obligations.[33] As noted earlier, for many animal rights advocates, for example, moral standing is largely accorded to only those animals that are determined to be sentient (with the concomitant capabilities to feel pain and to experience suffering). Whilst it is true that this view certainly does not preclude kindness, respect, care or feelings of sympathy towards other 'living' beings (and arguably these characteristics, tend in practice, to compliment a morally responsible animal protectionist stance), a strong biocentrism, at its heart, makes no absolutist distinction between the way we should treat sentient and insentient beings. This is not to say that a category distinction cannot be readily made between what is deemed to possess sentience and what is outside of our delimitation of such. In fact, many animal advocates argue that it is precisely because the possession of sentience produces an awareness of pain and suffering (and concurrently therefore engenders a fundamental interest in continued existence), that sentience therefore rightly forms the pivotal attribute for ascribing moral standing.[34] From a biocentric perspective however, this singular focus is potentially problematic. In the first instance, ascribing moral standing to sentient beings alone in practice means that these alone constitute the category of creatures that are to 'legitimately' included into what is deemed to be the moral community.

However, for the biocentrist, determining moral standing on sentience alone raises the now familiar spectre of selective human bias – something that animal advocates plainly seek to avoid. A primary concern is that such a selection nevertheless 'predetermines' the kinds of traits, that again, turn out to be those that resemble us the most (have the 'tick list' of attributes we rate as valuable – and herein embraced under the 'package deal' of 'sentience'). This determination is disconcerting for the biocentric view proffered in this work - in that whilst it may be

[33] These observations briefly introduced in this section are discussed further in chapter 6 regarding the practical implications of a developed biocentric approach.

[34] And indeed, as the majority of animal husbandry is practiced on sentient beings, much of chapter two was concerned with sentience and its relative importance with the animal welfare debate.

substantively 'proven' that the possession of sentience brings with it the concomitant ability to suffer (on our terms and understanding at least), this 'selective membership' to the moral community, arguably, by degree, suffers nevertheless from the same kinds of exclusivity that characterises other forms of value hierarchy attribution.[35] Secondly, the possession of sentience is a 'moving target', and which animals are included or excluded in this exclusive predetermination is subject to change with the advance of research and our understanding of neurological and biological processes. Members of the moral community may in this way potentially have their membership *rescinded*, whilst 'new' members may be welcomed in upon newfound possession of the 'green card' of sentience. In this respect biocentrism errs on the side of caution in determining sentience alone as the benchmark for moral considerability.[36]

As Victorian Moran puts it in discussion of Albert Schweitzer's reverence for life ethic, 'It is life defined as the ability to grow and reproduce that grants ethical standing, not the ability to experience suffering and joy' (2009, p.178). There would then in this strong biocentric sense at least, seem to be a problematic disparity between the delimitations of moral considerability set by many animal advocates and those potentially 'limitless' moral demarcations seemingly advocated in a strong biocentric approach.[37] However, the biocentric project does not necessarily need to be abandoned to endless supererogatory moral oblivion.

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[35] This is not to suggest that sentience is not a valid way of ascertaining how complex an animal with regard to the phylogenetic scale for example. However, this leaves out in the cold countless other creatures that are not therefore deemed to have a 'legitimate' stake in living out their lives in their own particular ways (in that we can potentially do whatsoever we wish to them as they cannot 'suffer'). Biocentrism in this respect attempts to form a more 'inclusive' ethic by determining our moral prescriptions upon life itself as a starting point for moral deliberation (rather than just those creatures that in our determination possess similar traits to us humans). The central contention from a biocentric perspective is that sentience in this respect may be as morally 'blind' a determination of value as any other human determination.

[36] Importantly here, this is not to say that sentience cannot legitimately form *one* of the criteria for determining direct conflicts of interest – biocentrism endeavours not to throw the baby out with the bath water in this respect. This notion is explored in greater detail in chapter 6 in discussion of the practical implications of biocentrism.

[37] In fact Schweitzer's ethic of reverence for life proposes that the inherent value in all life can in the final analysis only be worked out as an 'ethical mysticism'- in that there must always be an inherent dichotomy in centring ethics upon the individual (essential to Schweitzer), whilst concurrently needing to accept the fundamental connectedness of all life (also fundamental to Schweitzer's conception of the 'will to live, in the midst of the will to live'). Schweitzer's take on inherent value then turns primarily upon his concept of the 'will-to-live which establishes the value of life, but without distinctions *within* the value of life. Schweitzer himself sums up his ethic in his

It is here that consideration of our *negative* moral obligations to other than human animals can usefully be taken into account, that is to say, the sorts of moral obligations incumbent upon us to *not* interfere with, or aggress against, other living beings. In the perspective of my arguments in this work, it is of course this negative (hands-off) sense of obligation that has formed a persistent thread in the arguments advanced in the preceding chapters.[38] In the form of the preferred biocentric position advanced here, it is the negative moral obligations embedded in biocentrism that form what I wish to call the *'weak' argument for a biocentrically based animal advocacy.* For instance, the widely accepted obligation not to cause 'unnecessary' harm to living beings capable of feeling pain and experiencing suffering, applies to all such beings *irrespective of their closeness to us.* This obligation then is not one (at least in theory) of diminishing responsibilities *per se*, but rather a general assent to not causing unnecessary harm - wholly because it is something felt to be morally reprehensible.[39] Sterba's derived Principle of Disproportionality outlined above, gives us a starting point in this respect in its instruction to prohibit actions when they aggress against the basic needs of individual animals and plants for non-basic or luxury needs (and for Sterba, unlike Taylor, also whole species or ecosystems).[40]

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famous maxim, 'A person is truly ethical only when he or she obeys the compulsion to help all life which he is able to assist, and shrinks from injuring anything that lives. Such a person does not ask how far this or that life deserves one's sympathy as being valuable, nor beyond that, whether and to what degree it is capable of feeling. Life as such is sacred to him', cited in Meyer and Bergel (2002), p.239.

[38] The recurrent move towards a 'negativist' approach to human/animal interrelationships has permeated my central arguments to date. In sum, the form of animals rights outlined in chapter one largely advocated respecting subjects-of-a-life and as such argued for the cessation of many practices and emphasised our negative obligations over interventionist welfarism. The critique of problems of welfarism introduced in chapter two again argued the ineffectiveness of 'positive' welfare intervention and against the legitimacy of use of farmed animals at large. Chapter three advanced a 'hands-off' approach to animal protectionism that espoused an 'negative' model in contrast to the 'positivist' and interventionist models of conservation theory and practice. Chapter four further argued for an individualistic account that challenged the holistic view in recognition of the right to flourish of the individual and thus *refocused* holisms positive and interventionist 'species based' approach to an emphasis on the adequacy of extant negative obligations to nature.

[39] Of course many would argue that in practice *there is* a form of diminishing responsibility displayed in everyday interaction. For example, it may well become more difficult to determine what actually constitutes 'unnecessary' the further down the phylogenetic scale one goes. For instance, it may be readily argued that whilst unnecessary killing of an otherwise flourishing sentient being is wrong, it may be less convincingly argued that indirect killing of invertebrates for non-basic ends (perhaps hobby gardening) commonly engenders the same moral import.

[40] See Sterba's derivative form of 'Biocentric Pluralism' (1995) for further differences between Taylor's biocentric view and his own.

The point to note here is not the distinction between Taylor's or Sterba's delimitation of the biocentric remit, but rather that for both it is the 'default' nature of our obligations to nonhumans that, in practice, determines the sum of our moral obligations to them. What I mean here is that the argument for 'positive' interventionism (and this includes a 'strong' interpretation of biocentrism) is frequently fraught with the very presuppositions, biases and presumptions of the validity of some degree of 'legitimate use' of nonhumans that has fuelled the thrust of my contentions throughout this current work. A negatively weighted stance on our moral obligations, that 'respects' the individual as a subject-of-a-life in its fullest sense, in simple terms, does not suffer from the same presumptive moral chauvinism as positivist interventionist strategies unavoidably do.[41] The weak claim can be stated therefore as, one that is in support of a biocentrism that turns upon prohibition of actions that meet non-basic needs of humans when they aggress against the basic needs of individual nonhumans – and for the purposes of the current argument, these basic needs include the 'right' to flourish in their own particular ways. In fact, the very term 'prohibition' as used here, clearly conveys a negative connotation in its admonition against human non-basic aggress of the basic needs of nonhumans. When framed in this way, the scope of the biocentric claim outlined above clearly still has the determinate of the possession of (individual) life itself and rejection of automatic value hierarchy as playing substantial roles in our moral deliberations.

For many, however, individual life itself as constituting a key element for moral considerability does again raise the spectre of an implausibly demanding moral life – one effectively requiring us to think in moral terms about everyday actions that in practice we tend to take for granted. As mentioned previously, a 'demanding' moral stance does not of course, in and of itself, mean that the view is necessarily flawed or inconsistent. What are more credible are specific questions over effective everyday application for such a position. A moral viewpoint that may seem overly demanding upon an individual could be (and frequently is) summarily dismissed by

[41] I am happy to 'extend' Regan's subject-of-a-life criterion into the biocentric context. Despite Regan situating his criterion with mature sentient life, the core argument for a biocentric approach to the nonhuman world, I believe, does not distort or distil the meaning of Regan's term -which professes a respect for the life of the individual experiencing being. In fact it is the *continuity* between animal rights and the biocentric approach suggested here, that forms much of the rigour of the underlying impetus for argument for biocentric individualism presented in this work.

some as simply being too alienating from everyday experiential normative behaviours. By way of illustration, Kawall suggests that many people would be similarly alienated if morally challenged over something as everyday and pedestrian as the choice of fruit to accompany breakfast (2008, p.70). Giving the example of bananas, he points out that there are nevertheless significant differences in fruit crop production that have direct and indirect consequences for workers, crops and the environment. Irrespective of the apparent trivial nature of being asked to consider the moral dimensions of such an everyday event as the choice of what fruit to consume, if the veracity of these kinds of differences are confronted by the consumer the 'straightforward' and basic choice can be seen to have far-reaching real-world implications despite its initially proclaimed overly demanding demonstrations.

Naturally, fomenting an ethical conscience about patterns of consuming does not necessarily mean that we have to adopt a biocentric position. My point here is that basing one's ethical perspective upon a biocentric foundation may demand little more of us in terms of weighing up the moral implications of our everyday actions than any other ethically motivated life 'choices'.[42] Notwithstanding, it is not requisite to have to take into account every possible connotation and permutation of our everyday actions in order to accede to a generalized biocentrism that asks that we give consideration to the importance of individual life (over holistic conceptions of life) whilst questioning the illegitimacy of according any *automatic* priority to beings that are deemed to be more sophisticated (over normative hierarchical conceptions).

In fact, given that the 'weak' account of biocentrism that I am proposing does takes into consideration a measured elucidation of what is encompassed in the idea of 'life' in this context, the moral demands may in actuality be less onerous than a critical reading may suggest. In short, 'life' in terms of the weaker biocentric interpretation is certainly not to be seen as some abstract or conceptual hypothesis, but carries with it various embedded criteria to aid decisive moral judgment. As intimated earlier, we may for example invoke criteria such as capacity or direct ecological relationship - both of which are 'compatible' with a biocentric and

[42] For example, one can commit to a vegetarian or vegan diet for many reasons such as concern for the environment, health concerns, animal welfare disquiet or religious edict. Such a diet demands of the individual consistent and careful scrutiny in everyday culinary choices. Vegetarians and vegans would however rarely see such convoluted considerations as onerous or overly exacting.

individualistic approach. Such attributes are clearly constituents of everyday 'life' in diverse and particular ways, and therefore elements to be *legitimately* included for consideration within a 'bio-centric' remit.

However, in providing such a wide-ranging moral scope, it may well be argued that the sort of weak biocentrism claimed here merely returns us full circle to the moral maze, and potentially makes the 'measured' value of life so minimal as to be empty. In response, it is reasonable to suggest that any ethical theory that attempts to make prerequisite determinations on each and every possible moral permutation, and is thus overly prescriptive, likely oversimplifies the inherent complexity of interspecies moral deliberation. That biocentric individualism is proposed, as Gary Varner qualifies it, 'as sets of generalisations that allow for exceptions, is I submit, in fact an inherent strength of a biocentric approach'.[43] However, given this acceptance of fluidity in moral determination, the question of what exactly may constitute a firm theoretical foundation (other than appeal to individual virtue) for such an applied biocentrism remains. Certainly, at minimum, a biocentric approach does demand greater environmental awareness in our everyday lives; but it demands something more. What I am certainly not suggesting is that the form of biocentric individualism discussed thus far represents an all-encompassing contingently viable environmental model in and of itself.

Notwithstanding this caveat, my arguments for the illegitimacy of use arising from the normative positions of the animal ethics debate, conservation policy and practice and holistic approaches to animal advocacy, I submit, forms a more coherent basis for a biocentric framework - one that does not require an all-too-demanding virtuousness or assent to notions akin to 'sanctity' of life. Rather, a weak form of biocentric individualism can be grounded in the considered arguments for *illegitimacy of use* arising from the animal ethics debate, as argued for in this work. It is to this notion that I now turn in reference to Paul Taylor's influential work *Respect*

[43] Gary Varner however proposes a distinct consequentialist form of biocentric individualism and sets his qualification against three working principles that state: *P1 Generally speaking, the death of an entity that has desires is a worse thing than the death of an entity that does not; P2 Generally speaking, the satisfaction of ground projects is more important than the satisfaction of noncategorical desires; and P3 Other things being equal, of two desires similarly situated in an individual's hierarchy of interests, it is better to satisfy the desire that requires as a condition of its satisfaction the dooming of fewer interests of others (whether these interests be defined by desires of biological interests* (1998), p.95.

for Nature, in order to clarify my formulation of biocentric individualism as outlined here, its particular strengths, how this differs from Taylor's view, and why I believe it offers a challenging, effective and grounded approach to animal advocacy.

5.4 A comparative analysis of the biocentric approach

In his seminal work *Respect for Nature: A Theory of Environmental Ethics*, Paul W. Taylor advances a challenging theoretical framework that turns upon development of an attitude of 'respect for nature' (1986). In this section I want to examine the efficacy of this view in the light of my own development of a biocentric and individualist approach, and critique its points of intersection with, and departure from, Taylor's central themes. Before discussion of the points of intersection and departure from Taylor's position, it will be helpful to outline what I consider to be Taylor's central thrust in order to firstly clarify the foundation of his biocentric view.[44]

Some initial remarks on Taylor's biocentric outlook

In chapter three of his work Taylor outlines four 'beliefs' that form the core of the biocentric outlook that I outlined in the previous section. My own biocentric view is in complete accord with these core beliefs. I restate Taylor's core beliefs here in summary in order to form a platform for a comparative analysis of the biocentric approach: (a) 'The belief that humans are members of the Earth's Community of Life'; 'The belief that the human species, along with all other species, are integral elements in a system of interdependence'; (c) 'The belief that all organisms are teleological centres of life'; (d) 'The belief that humans are not inherently superior to other living things' (1986, pp. 99-100).

Taylor's theoretical framework is largely developed out of these core beliefs and it may be valuable here to adumbrate their pivotal importance to his development of

[44] Clearly, in summarising Taylor's key points here, I acknowledge that the considerable nuances of his developed theoretical grounding cannot be adequately encapsulated in bullet point form. Nevertheless, in regard to a critique of his central claims as adjudged against my particular individualistic conception, the adumbrated points above sufficiently serve to ground discussion of the key divergences.

the respect for nature ethic. Core to Taylor's biocentric view, is his assertion that humans be viewed as 'non-privileged' members of the earth's community of life. Humans as contingent, biological beings share with other organisms similar requirements for life. In this respect we are likewise vulnerable in that (despite our technological acumen) we nevertheless share an inability to *guarantee* the fundamental conditions of our existence. There is for Taylor in this shared vulnerability and shared evolutionary provenance a sense of kinship. Indeed, we are on this account, newcomers – being recent arrivals within the biosphere. For Taylor therefore, the notion that humans are the final goal of the evolutionary process is incongruous with evolutionary processes. A further claim that Taylor makes is that of the centrality of the interdependency of life. Within this interdependency humans are not immune from the complexity and interrelatedness of being. Indeed we are dependent on many forms of life - such as invertebrates for example - for our very existence and it is somewhat disconcerting that In stark terms, life on this planet is not dependent on *us* and would, given our negative impact on the biosphere, in all likelihood do much better without us.

An assertion that underpins Taylor's biocentric model is that all organisms are teleological (goal-directed) centres of life that have goods of their own (welfare interests) that we can morally consider for their own sake. In this sense, organisms have a 'point of view' and can, thusly, be benefitted or harmed. Within this paradigm, having preference interests (largely construed as conscious desires or wants) is not however necessary for being morally considerable. According to Taylor, all individual living creatures as well as species populations can be benefited or harmed and hence qualify as moral subjects. Thus, for example, insentient organisms (plants, fungi, microbes, and many invertebrate animals) aren't, for Taylor, excluded from the moral arena. Importantly however, Taylor denies that *species themselves* are moral subjects with a good of their own, in that species is seen as a 'class' – and for Taylor classes cannot possess a good of their own (1986, pp. 68-71). As James Sterba notes, 'according to Taylor, however, showing that entities have goods of their own does not establish that we ought to respect them' (1995, p.192). And it is in establishing this 'respect' that Taylor claims that it is necessary to instantiate his four core beliefs outlined above in development of his ethical system.

Subsequently therefore, in chapter four Taylor outlines his 'Ethical System' and within it formulates his 'Basic Rules of Conduct, 'Priority Principles, and 'The Basic Standards of Virtue'. It is within the development of this ethical system and, as he puts it, the 'standards of good character and the types of virtues associated with the various rules of conduct' (1986, p.169), that the central points of contention and departure from my approach to biocentric individualism are largely found. How rules and principles actually may apply in practice in matters of conflict of interest - and as to what contextual factors may have relevance in relation to each other - is discussed separately in the subsequent and final chapter. Prior to this discussion, clarification of my own development of a biocentric and individualist approach will serve to ground this exploration. Notwithstanding my accord with Taylor's biocentric core beliefs, there are points of departure that distinguish my own development of a biocentric and individualistic position. These turn upon three principle divergences that I am calling: 1. 'A bottom-up view'; 2. 'The failure of animal advocacy'; and 3. 'The problem with virtue', and I will in turn outline the distinctiveness - and what I believe to be the unique strengths - of my particular biocentric and individualistic approach.[45]

A' bottom-up' view

There is an important matter of focus that differentiates my take on biocentrism from Taylor's position. Cryptically put, mine is a 'bottom-up' view and Taylor's is a 'top-down' perspective. What I mean here is that in general terms Taylor takes an 'environmentalist' standpoint, in that he sees 'nature' as a 'thing' – and moreover, a thing to be respected.[46] I believe that it is largely due to this top-down perspective

[45] I discuss here only my specific divergences from Taylor's work as a helpful precursor to chapter six and the exploration of my biocentric viewpoint in regard to welfarism, paternalism and holism. James Sterba outlines the more familiar criticisms levied at biocentrism in general, which include among other things – being too individualistic, being too demanding, having principles that are inconsistent with theory, and for not dealing adequately with domesticated animals (1995, p.191). These criticisms form key themes in the next and concluding chapter.

[46] Although of course, a 'thing' composed of *individual*, but interrelated entities. Again, I make no claim here that animal ethicists and environmental ethicists are somehow a 'species apart'. See my central comments regarding 'Two Movements' at the beginning of this chapter (5.1) for an extended discussion. Indeed, it is to me both intriguing and poignant that a 'top-down' perspective such as Taylor's solicits a biocentric approach, whilst the 'bottom-up' view that I take likewise 'ends up' advocating a biocentric approach through a critique of contemporary animal advocacy – that, nevertheless, largely accords with Taylor's core (environmentally focused) beliefs. See the

that Taylor primarily talks in terms of nature at large and the 'wild' animals that constitute such.[47] In this way, Taylor naturally (as an 'environmentalist') tends to de-emphasise the preoccupation of those who primarily see themselves as animal ethicists – namely, the question of what may constitute our moral obligations to domesticated and semi-wild animals (specifically those defined in chapter two as falling under the 'animals in human servitude' category).[48] For the sake of current argument, it may be said that Taylor thusly sees nature as being *made up of individual interrelated components*; whereas, the animal ethicist in me, conversely sees the *individual components 'making up' nature*.[49] This change in emphasis and directional viewpoint is not merely semantic, but one I believe that provides a valid, useful and fresh perspective on the biocentric approach. In this respect, Taylor emphasises the 'biocentric' in biocentric individualism, whereas I accentuate the 'individual' in biocentric individualism; as an animal ethicist concerned with individualistically-based advocacy ethic, I candidly put the 'individual' back into biocentric individualism.[50]

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following sub-chapter 'The failure of animal advocacy' for my particular lines of reasoning in this regard.

[47] This is not to assert that many of the principles that Taylor outlines in his ethical system cannot, with further argument, be applied to varying degree to our interrelationships with non-wild animals. However, Taylor's main thrust of argument is clearly from a 'nature' perspective and those 'wild' animals that dwell therein. In particular, see his sustained arguments and numerous examples regarding development of his ethical system that exemplify this emphasis on wild nature (pp. 169 -218). I believe that there are additional ethical and practical considerations with regard to domesticated animals that Taylor (and I believe rightly, given his remit) does not explore in-depth. For example, advocating his 'hands off' approach to nature (pp. 193-96) seems on face value problematic when considering ethical determinations *within* animal husbandry. How a biocentric view (in particular my take on such) may broach these kinds of considerations is discussed in the next chapter regarding possible practical implications (specifically, in 'Welfarism and a biocentric approach').

[48] This has of course been a common criticism of Taylor's approach. See in particular James Sterba 'From Biocentric Individualism to Biocentric Pluralism' (1995). Also for a broader perspective see Laura Westra (1989), K Van Houtan, (2006), R Sandler (2004) and R O'Neill (2000).

[49] The use of the term 'animal ethicist' is used in the widest sense here in order to reiterate my theoretical leanings (which by now are hopefully clear!) which, generally speaking, have provenance within the animal ethics debate.

[50] As we could, of course, put emphasis on 'life' itself as the key criterion for moral considerability and this may include a more 'holistic' interpretation – the 'thing' that is *life*. See in particular N Phelps, 'The Quest for a Boundless Ethic: A Reassessment of Albert Schweitzer' (2009), and D Goodin, 'Schweitzer Reconsidered: The Applicability of Reverence for Life as Environmental Philosophy' (2007). I attempt to unambiguously ground my conception of life in *individual* possession of such - and in this respect I believe such grounding to be intuitively more comprehensible and substantively self-evident.

As has been evident throughout this work, I propose the biocentric model, consequently, in the light of contemporary animal advocacy – and first and foremost from an 'animal rights' perspective. As I have argued at length in the previous chapters, the individualistic approach to valuing other-than-human beings, I believe, provides a substantive theoretical framework that does not wholly rely on shaky human presuppositions of legitimacy of use, skewed value hierarchy, presumptive paternalism or holistic conceptions of contributory and aggregate value. In this way, my own 'bottom-up' development of biocentric individualism I believe goes some way towards 'bridging the gap' between the central claims of much of the animal rights narrative and wider animal advocacy concerns.[51] Such bridges can of course be variously constructed. I certainly do not claim that my particular 'bridge' forms the only foundation for a reconciliation of the animal rights narrative and wider animal advocacy.[52] Notwithstanding, I do however submit that the 'individualism' embedded within my take on animal advocacy (and the critique of, what on my account, are the chief forms - welfarism, paternalism, and holism) establishes a firm (and needed) grounding for Taylor's astutely observed core beliefs of the biocentric model.

The efficacy and validity of my theoretical framework in application to a wider advocacy ethic ('biocentric individualism') finds place in the grounding, of what I have argued, is the variously accepted presumptions of the legitimacy of animal use (discussed shortly in light of Taylor's stance under the 'failure of animal advocacy' and 'the problem with virtue'). An example of this departure from Taylor's top-down view may help to clarify my point here. How a prerequisite foundational critique of

[51] I accept that much of the animal rights literature focuses primarily on the possession of sentience or the ability to feel pain and experience harm; or demands equal consideration of interests/non-maleficence - and not upon the weak form of 'biocentrism' as presented here. There is however a well recognised failure within animal ethics to address wider animal advocacy concerns pertaining to wild and semi-wild animals (discussed in chapters one, two and three). In taking a biocentric approach in this work, the essential aims and criteria of animal ethics can, I feel, be readily embraced into a theory of value that can address this wider remit. Biocentrism as a value theory asks for moral considerability to be centred upon a respect for nonhuman (and human) nature and the possession/continuation of a flourishing individual life - neither of which is at odds with the fundamental spirit of animal ethics. In this sense, with regard to my argument for the illegitimacy of use arising from normative animal advocacy perspectives, biocentrism 'bridges the gap' between animal ethics and environmental ethics.

[52] For some thought-provoking work in this respect see D Jamieson, 'Animal Liberation is an Environmental Ethic' (1998), J Baird Callicott's reconciliatory work 'Animal Liberation and Environmental Ethics: Back Together Again' (1988), and also J Sterba (1995), N Agar (1995) and G Varner (2002) for further exploration of this theme.

contemporary animal advocacy *strengthens* the biocentric perspective, is highlighted in Taylor's own delineation of the 'Attitude of Respect for Nature', Taylor states:

> 'Thus the reality of a community's good, like that of a species-population, can be found nowhere but in the lives of individual organisms, even though when we speak of the good of the community we are not referring to the good of each individual member taken separately. The good of the community is a statistical concept' (1986, pp. 70-71).

Taylor's distinction here seems entirely sensible *from a biocentric perspective.* However, the 'statistical' distinction that Taylor makes, although clearly - and I believe rightly - made in order to emphasise the importance of individual living creatures over 'statistical' assessments, has on my own biocentric account (having as a prerequisite critiqued the pitfalls of holism), the pressing potential to be *misconstrued* in the holistic mindset. We can of course understand this form of statistical thinking - in that humans in order to try to understand interrelationships in nature frequently aggregate (and this tendency was discussed at length in chapter 4.2 and 4.3 in respect to holistic understandings of nature). Nevertheless, the stark distinction may all too readily bring us full circle to the troubling notion that aggregates ('statistics') themselves morally 'count' in assessing value hierarchies (and I submit this form of misconstruction as an inherent problem for much of Taylor's biocentric account). In this sense then, I am more cautious than Taylor in 'allowing' even this distinction, as it again leaves the ethical door open to the very same arguments that formed the basis of my rejection of both paternalism in chapter three (that 'statistical' interpretations of nature colour actual practice in ways that harm individual animals) and holism in chapter five (in that moral weight can be given to aggregates over and above individual moral weighting – and again, harm countless individuals). The statistics of 'populations and communities' are primarily relevant to our tendencies to construct nature in human terms, and in this narrow sense are valid – at least to the degree that a weak biocentric view as forwarded in this work can (indeed, should) readily *include* concern for populations and communities. Notwithstanding this inclusiveness, under the developed 'bottom-up' biocentric paradigm proposed here, it is upon *individual living creatures* that our 'moral lens' is to be primarily, unswervingly and recurrently trained.

The failure of animal advocacy

The second principal reason that my particular take on biocentric individualism is posited as an appropriate framework for animal protectionism concerns the preoccupation of much of this work – our presumption of animal use. Indeed, a central aim of this work has been a refutation of the presumed legitimacy of nonhuman animal use by humans. I posit that if one accepts the (radical?) theoretical arguments presented here against such presumptions, an appropriate framework *already exists* that vindicates and bolsters this position. That framework is biocentric individualism. My key point here is that if one can envisage a paradigm where the theoretical grounding of my earlier arguments regarding the illegitimacy of use is fully embraced and implemented, then the formulated argument for the illegitimacy of use can properly comprise the *theoretical foundation for an applied biocentrism.*[53] In short, the theoretical grounding that the argument for illegitimacy of use engenders is thus aligned to an applicable framework. What I mean here is that simply stating (and of course arguing at length in the preceding chapters) that our overt use of nonhumans is illegitimate, does not in and of itself, carry with it any *directive for action* - or suggest a robust applied framework for moral determination. Likewise, I believe Taylor's biocentric approach, whilst attempting to formulate general principles of action, arguably fails in its appeal to precursory *individual virtue* as its moral imperative (discussed shortly). In contradistinction, in aligning the applicability of a weak form of biocentric individualism with the ethical underpinning of notions of illegitimacy of use, my tentative proposition is that these shortcomings can be ameliorated (or that such an alignment at least forms a complimentary and useful fusion).

In the body of this work I have argued that contemporary animal advocacy largely fails because it primarily turns upon a tripartite obfuscation: succinctly, that, welfarism *denies* death as the greatest harm, paternalism *assumes* value hierarchies in moral deliberation, and holism *refocuses* the import of the individual in deference to aggregation. In short, as recurrently argued, they all assume an underlying legitimacy of animal use. The weak form of biocentrism as presented here

[53] And it is the more 'practical implications' of this applied framework that are the central preoccupation of the next chapter.

challenges this legitimacy at its very core. If, therefore, the primary avenues of animal protectionism (which to reiterate, I argue are welfarism, paternalism and holism) fail in this respect, then we are left with the pregnant question of 'where' we are to centre our moral deliberations regarding 'nature' and our place within it. Following Taylor, I argue that this is to be centred upon (individual) life itself as the primary 'moral' factor. This view is therefore 'biocentric' in essence. However, it is one based not upon a presumption of development of subjective virtue alone, but rather upon the argued 'failure' of the central forms of animal advocacy that, variously and necessarily, redefine our moral foci.

In sum, my recurrent claim has been that animal advocates, such as conservationists for example, sincerely claim to 'respect' nature and its interdependencies - but as I have argued (in chapter 3 regarding paternalistic initiatives) fall short of a comprehensive non-hierarchical adoption of such *in practice*. At minimum therefore, I advocate that caution needs to be exercised as 'respect' it would seem, can take many forms - as comprehensibly argued for in discussion of welfarism (in chapter two), paternalism (in chapter three), and holism (in chapter four). Many environmentalists who would support a biocentric approach (and of course Taylor's seminal work is undeniably significant here) may of course argue that acknowledgment of the validity of a biocentric view properly *precedes* the argument for illegitimacy of use as presented in this work. In essence, supporters may maintain that biocentrism *already has* within its ethical framework a demand for respect, and thus *ipso facto* makes overt use of nonhumans illegitimate. It may in this respect seem that I am putting the proverbial cart before the proverbial horse. However, critics have frequently articulated a serious deficiency in the central argument for 'respecting' nature.[54] The strong view in essence requires the acceptance of a generic 'respect for nature' (and the central role of 'life' itself) and therefore in the final analysis must appeal to little more than the sustained individual development of an ecologically insightful 'personal virtue'. Given that 'virtue' is in

[54] See Victoria Davion (2006) for some interesting and comprehensive contemporary wide-ranging criticisms in this respect.

dire short supply, the 'workability' of biocentrism (and certainly as advanced by Taylor) has recurrently been questioned, and it is to this problem that I now turn.[55]

The problem with virtue

A general remark, and one that colours subsequent lines of reasoning, is that on my view development of an attitude of 'respect for nature' as presented by Taylor is not necessarily, in and of itself, any guarantee that, in practice, we accord the full moral consideration that may be due to nonhumans.[56] We may in fact develop a perfectly reasonable, rigorous and considered 'respect' persona - and forward a thoroughgoing animal advocacy framework, but as I have thematically argued thus far, nevertheless retain within it deeply seated presumptions of the legitimacy of animal use. Indeed, at the core of this work I have consistently maintained that those who variously advocate for nonhuman animals – and of course viewed by many to be the 'good guys' - *do in fact* possess some form of a developed 'respect for nature' ethos. I have however argued that they nonetheless retain within their worldview some presumption of the legitimacy of animal use subtly embedded within their particular and disparate 'respect' schema. I have therefore, in turn, argued explicitly that developed forms of welfarism (in chapter two), paternalism (in chapter three), and holism (in chapter four) share this troubling common ground. In actual fact, this thesis has contended throughout, that despite the incongruent claims of these diverse projects, underpinning each is a persistent and profound human bias that

[55] This is of course a central criticism of virtue theories in general. For further insight see, James Sterba (2000,2006), David Styzbel (2006,2007), Marti Kheel (2000, 2008), and Steven Clark, *The Moral Status of Animals* (1997). For an 'ecological' perspective see also Carolyn Merchant's work in which she formulates these central themes, in *Radical Ecology: The Search for a Livable World* (1992). Likewise, see Ronald Sandler's take on a virtue based ethic, in 'Towards an Adequate Environmental Virtue Ethic' (2004).

[56] I do not wish to necessarily imply here that development of personal 'virtue' in this respect is not prerequisite to thinking in nonanthropocentric terms concerning nature. Indeed, I wholeheartedly consider that Taylor's development and supporting ethical framework is largely cogent and consistent with a developed 'respect' ethic (in that it arguably fosters an all-embracing respect for nature). In fact, a process of personal ecological 'awareness raising' and acceptance of 'non-anthropocentric' positions are obviously a precondition of 'thinking' about these very themes. I merely point out that a developed virtue ethic does not in and of itself guarantee 'right' action (as 'virtue' can be variously construed). Neither is such a change in consciousness likely attainable by everyone – not least because it is unavoidably dependent upon cultural, educational, social and experiential influences. Furthermore, as intimated earlier, animal advocates such as conservationists for example, claim to 'respect' nature and its interdependencies - but as I have argued (chapter 3) fall short of a comprehensive non-hierarchical adoption of such in practice.

selectively informs upon our moral deliberations and the values we assign to the nonhuman world arising from a fundamental assent to a conceptual presumption of our legitimacy of animal use. Given that I have attempted to show that these principal forms of animal advocacy variously (and by degree) fail, it is appreciable that on my account the efficacy of a developed personal 'virtue' such as Taylor advocates consequentially fosters assent to an overarching inclusiveness ('respect' in Taylor's terminology), and is in practical and commonplace terms, questionable.[57] It is with this *unease* in mind that I now explore Taylor's basic standard of virtue in respect to the difficulty of providing an objective specification of environmental virtue, and my reading of such.

In a paper considering the workability of an environmental virtue based ethic, Ronald Sandler considers four commonplace concerns[58]: 1) that 'it is not possible to provide an objective specification of environmental virtue', 2) 'an environmental virtue ethic will lack the resources to provide critique of obtaining cultural practices and policies', 3) 'an environmental virtue ethic will not provide sufficient action-guidance', and 4) 'an environmental virtue ethic cannot ground constraints on human activities regarding the natural environment' (2004, p.477). I concern myself here primarily with point 1 in respect to Taylor's basic standards of virtue. I will explore concerns 2, 3 and 4 in chapter 6, in discussion of the theory-to-practice considerations for a biocentric approach.

The initial concern, that 'it is not possible to provide an objective specification of environmental virtue', is I believe particularly problematic in regard to Taylor's development of his standards of virtue. Taylor's arguments, although admirably cogent and robust, nevertheless clearly turn upon a 'subjective' and personal development of a 'respect' ethic. In this sense, the commonplace disquiet regarding

[57] Taylor does in fact develop 'constituent' virtues that go to make up his general conception of a developed virtue that includes conscientiousness, integrity, patience, courage, temperance, disinterestedness, perseverance and steadfastness-in-duty (p.201). Notwithstanding this impressive framework, I submit that a thoroughgoing development of these saintly traits, *does not necessarily* equate to adoption of the sort of environmental ethic that Taylor presumes these attributes will foment. We could, for example, develop each of these traits to perfection and retain a perfectly reasonable position that does not embrace a comprehensive biocentrism; indeed, a 'moderate' anthropocentrist may possess these admirable traits in spades in regard to his own species - but deny an overarching species inclusiveness in the biocentric sense.

[58] Sandler *defends* a conception of environmental virtue as a form of what he calls 'character virtue' in this work. I merely extrapolate the concerns he identifies in regard to Taylor's 'basic standards of virtue' here.

the 'impossibility' of providing an *objective* framework seems to my mind of particular relevance. This subjectivity resonates in Taylor's preamble to his 'standards of virtue'; Taylor states:

> 'With reference to environmental ethics, the attitude of respect for nature is expressed in one's character when one has developed firm, steady, permanent dispositions that enable one to deliberate and act consistently with the four rules of duty: Non-maleficence, Non-interference, Fidelity and Restitutive Justice. Those dispositions are the virtues or good character traits that make it possible for a moral agent to regularly comply with the four rules and by doing so express in its conduct the attitude of respect for nature' (1986, p.199).

To reiterate, on my biocentric account, rather than reliance on developing highly subjective 'permanent dispositions', it is the underpinning of the arguable 'failure' of key animal advocacy approaches that form a grounding for, and key strength of, the proposed adoption of the weak biocentric individualism argued for in this work. I contend that an environmental framework that adequately addresses our moral obligations, whilst concurrently fostering a workable 'respect' ethic (and I happily use this term in Taylor's sense), requires not merely assent to personal development of 'ecological virtue'[59], but *necessitates* an acknowledgment of the inadequacies and inefficacies of the core avenues of contemporary animal advocacy. In short, my core claim (and point of departure from Taylor in this respect) is that a developed sensitivity to nature worked out solely as a personal virtue ethic all too readily leaves the ethicist open to the vagaries of the determinate advocacy route (and of course I precisely argue that these normatively take the form of the (dys)functional dimensions within a welfare, conservation or ecology based framework). An ethic that recognises the *illegitimacy of use* embedded in standard animal advocacy, and thereupon suggests a refocusing on individual life as the primary moral foci, does, I submit, offer a firm and robust theoretical grounding for the biocentric perspective. It is to an exploration of the 'robustness' in practical terms that the remainder of this work now turns.

[59] 'Ecological' here, in Taylor's sense of the development of an individualised ethic towards 'nature' at large.

6. Biocentric Individualism and Animals: From Theory to Practice

'The most effective way to promote wild nature is not by doing new things and undertaking new projects, it is simply to refrain from the murderous activities that are part of everyday life'. Dale Jamieson [1]

This final chapter will explore some thoughts on the practical implications in matters of conflict of interests, and as to what contextual factors may have relevance in relation to each other in adoption of the biocentric approach to animal advocacy developed within this work. After an introduction to the principal issues that I believe a biocentric view likely needs to consider in application, the tripartite central themes of this thesis will be 'revisited' in discussion of their practical implications.[2] This re-examination will begin with an exploration arising from the critique of welfarism in chapter two. With this critique firmly in mind, the 'hands-off' approach developed within the biocentric perspective will be evaluated in synthesis with an 'abolitionist' viewpoint and notions of non-maleficence.[3] Following on from this evaluation, a central problem drawn out from discussion of selective paternalism in chapter three

[1] Dale Jamieson makes this succinct observation in, 'The Rights of Animals and the Demands of Nature' (2008), p.195.

[2] These are, of course, the now familiar themes of Welfarism, Paternalism and Holism. I return to each of these themes in consideration of the practical elements for a biocentric approach, both for continuity purposes and clarity for the reader. It has been a persistent claim throughout this work that there is a need to address issues of animal advocacy somewhat differently dependent upon the qualitative degree of *relationship* extant (although there are certainly key points of intersection, see primarily in this regard chapters 1.2, 1.3, 5.2, 5.3 and subsequent argument in this chapter). Therefore, in 6.1, I raise concerns regarding the practical implications for my biocentric view with regard to animals in human servitude in the light of welfarism. I then go on to explore what I argue are the subtle but distinct variances in our pragmatic responses to wild and semi-wild animals in 6.2 when examining the delimitations of selective paternalism in conservation practice. In 6.3, I then broaden my exploration of the practical implications of advocacy in analysis of holism and the probable demands, commonality, and limitations of biocentrism in wider functional terms.

[3] This will chiefly follow Gary Francione's (1996, 2009) and Joan Dunayer's (2004) development of an abolitionist perspective in regard to animal husbandry and the critique of the limitations of welfare - in synthesis with my biocentric position. For precursory discussion of the abolitionist view in respect to this work, see chapter one, 'The challenge of non-anthropocentrism', and chapter two, 'Animal welfare: the myth perpetuated'. Further to this analysis, I primarily develop Taylor's notion of non-maleficence in this particular respect (1986, pp. 172-79).

will be examined in the context of the *assumptions* of the legitimacy of value hierarchies and how these assumptions colour actual practice. These assumptions of legitimacy will be compared and contrasted with the 'non-hierarchical' biocentric paradigm and the challenge this presents to protectionist theory and practice in critique of notions of selective forms of paternalism. Holistic approaches to animal advocacy arising from an ecocentric perspective, which as I have argued, *refocus* the import of the individual in deference to aggregation will then be re-examined in the light of the developed individualistic and biocentric position. In this section I will offer some specific thoughts as to how interest conflicts between different beings may be resolved and look at what type of contextual factors may have relevance within a developed biocentric approach.[4] In conclusion, an exploration of the broader themes that application of theory to practice must inevitably encounter will be undertaken in respect to the development of the individualistic account suggested in this work.

Before a brief synopsis of what it is that I consider a biocentric view plausibly needs to take into account in practice, an initial and overarching observation is to be borne in mind when discussing the 'practical implications' of a biocentric approach. As Taylor starkly notes, 'the biocentric outlook has not been *proven*' (1986, p.167). This statement is nevertheless significant, and unavoidably colours any theoretical exploration of the pragmatic dimensions of the developed biocentric outlook. This 'fact' alone need not however imply that a robust, rigorous and consistent process of rational justification in matters of conflict of interests cannot be successfully undertaken, but merely highlights that in practicable ways the biocentrically based theoretical grounding has not been *tried and tested.* Allied to this initial remark is a wish to reiterate my aspiration for the biocentric approach - which is in the first instance, to advance an environmental ethic that, at the very least, challenges

[4] In 6.1, I take an abolitionist stance towards contemporary husbandry practice, and as such this negates extensive exploration of 'specific' cases of conflict of interest (in that, on my biocentric account, husbandry will effectively cease) and as such notions such as cognitive ability for example, are not a central issue within this paradigm. In 6.2, I widen the perspective and I argue that selective paternalism does not accord in *practical terms* with biocentrism's core beliefs, and examine the practical concerns relative to selective paternalism in light of a biocentric approach (specifically, conflicts of interest arising from the differing values assigned to native and non-native animals in contemporary conservationism). I leave exploration of how broader interest conflicts between different beings may be resolved until the discussion of holism in 6.3. I offer a biocentric outline that recognises the 'embedded individuation' in the biocentric approach, and discuss this in the light of interest conflicts arising from this individualistically-based account.

individuals to 'take seriously decisions involving injury or death to living things of any species' (Schweitzer, 1955, p.318). It is with these overarching observations firmly in mind that the subsequent exploration is to be contextually construed.

There is, in addition, a significant point to be drawn out in advance of discussion of specific examples of theory to practice praxis: namely, the central importance of the *establishment of priorities among interests.* Indeed, the question of how, why and when we establish priority among interests is at the very core of *any* exploration of the delimitations of a developed environmental ethic. As Gary Varner fittingly states,

> 'The satisfaction of interest constitutes a fundamental moral value, because to say that a being has interests is to say that it has a welfare, or good of its own, that matters from the moral point of view. So if an action would satisfy an interest, that is a prima facie reason for performing it. On the other hand, the dissatisfaction of interests constitutes a fundamental moral disvalue. So if what I do sets back the interests of some other being, that is a prima facie reason for not doing it' (1998, p.77).

Given that biocentrism recognises that living organisms have wide ranging interests, it would seem then that the crux of the issue for a biocentric outlook pivots upon how it may reconcile these diverse interests. These claims would certainly seem to constitute robust objections to positions that endevour to extend moral standing to all living creatures. In common with other 'far-reaching' perspectives that nominally challenge normative ways of doing things, the biocentric view does seem to sit squarely within what many would see as the 'radical' theoretical pantheon.[5] The weak biocentric view *is not* irretrievably incapable of formulating 'real-world' moral responses to our relationship with nature. Rather, it is that our moral expectations *are so shaped* by our embedded anthropocentric biases (and I have argued that this chiefly takes the insidious form of a presumption of the legitimacy of animal use), that biocentrically based propositions are frequently framed as problematic in application. This contention typically takes a form of argument that claims that

[5] Of course, many would also view *any* ethic that challenges anthropocentrism at its core as 'radical' in essence. Nevertheless, it may be reasonable to suggest that in its core beliefs (as outlined previously at the start of this chapter) biocentrism may *take us further* from a strict interpretation of anthropocentrism than many contemporary welfarist, conservationist and holistic perspectives.

biocentrism is simply too morally demanding.[6] In referring to strong biocentric frameworks, Callicott controversially suggests that 'a point of moral overload is reached and the whole enterprise of ethics threatens to collapse into absurdity' (1986, pp.402-3). I do not however consider that a 'moral overload' is in any respect inevitable in practical application of a biocentric approach, or indeed that a developed biocentric position takes us inexorably headlong into the realms of absurdity. That it is fundamentally challenging to our commonplace ways of interrelating to other beings, is however fully conceded and embraced. With these provisos and contentions to the fore, I will now address some of these challenges through a re-examination of the tripartite central themes of this thesis in light of the practical inferences for the adoption of a weak biocentric approach.

6.1 Welfarism and a biocentric approach

In outlining his rule of non-maleficence,[7] Taylor echoes Dale Jamieson's sentiment that forms the epigraph for this chapter, and posits that, 'Perhaps the most fundamental wrong in the ethics of respect for nature is to harm something that does not harm us (1986, p. 176). If indeed, as Jamieson intriguingly suggests, we simply need to 'refrain from the murderous activities that are part of everyday life', then both Taylor's and Jamieson's notions taken together present a direct and serious challenge to extant presumptions of the legitimacy of animal use. I submit that this

[6] 'Being too morally demanding' is one of the four key arguments against biocentrism that James Sterba outlines (1995, p.191). For an extended discussion and references with regard to the claim that biocentrism is overtly moral demanding see in particular chapter 5 of this work, 'Weak and strong biocentrism' and again in the same chapter, 'Some problems for the biocentric view'. Other criticisms that Sterba outlines are: 2. 'that it is too individualistic', and this was largely dealt with in chapter 5 under 'Putting the individual back into biocentric individualism' and again later in 6.3 'Holism and a biocentric approach; Further , 3. 'that the principles forwarded in biocentric views are inconsistent with theory', actually comprised a central theme of my critique of Taylor and my reasoning for argued divergences from his theoretical grounding in chapter 5.4, 'A comparative analysis of the biocentric approach'; lastly, Sterba cites a fourth common criticism, 4. 'that of not dealing adequately with domesticated animals', and in taking a 'bottom up' view, this does of course represent a key theme - and indeed strength - of my take on biocentrism. See in particular my divergences from Taylors 'top down' view discussed in 5.4, and many of the arguments in chapter 2 regarding animal husbandry. The theme is again taken up in 6.1 - exploring the limits of interventionism for domesticated animals in 'Welfarism and a biocentric approach'.

[7] In short, Taylor expresses this as '...the duty not to do harm to any entity in the natural environment that has a good of its own' (1986, p.172).

challenge has particular practical resonance within the context of animal husbandry.[8] Given that the very idea of 'husbandry' itself strongly infers (indeed, demands) direct and selective intervention in the lives of non-threatening and largely sentient nonhumans, then it would seem evident that both Taylor's maxim of non-maleficence, and Jamieson's injunction to refrain from our commonplace murderous activities, are adversative to the project of animal husbandry at large. This is a serious claim, and one that raises a fundamental question mark over the very 'possibility' of direct interventionism in the form of contemporary animal husbandry practices under the biocentric paradigm.

Non-interference and the question of constraints

I argue that contemporary animal husbandry, in practice, is characterised by deliberate, formalised and explicit intervention in the lives of nonhumans for the purpose of meeting human ends. This pervading interference requires that moral agents make purposeful and premeditated decisions to use animals in specific and prejudiced ways. This is, of course, what is generally understood as 'farming'. Clearly, efficient and effective farming by its very nature (that it requires direct and repeated interventionism), necessitates certain constraints on the otherwise 'freedom' of individual beings. Taylor outlines four general types of constraints that are helpful in the context of our current exploration:

1. 'Positive external constraints (cages; traps)
2. Negative external constraints (no water or food available)
3. Positive internal constraints (diseases; ingested poison or absorbed toxic chemicals)
4. Negative internal constraints (weaknesses and incapacities due to injured organs or tissues)' (1986, p. 174).

This is not to suggest that diverse forms of farming practice under the aegis of *some* form of welfare framework does not by degree try to circumvent or ameliorate illfare

[8] By 'animal husbandry', I refer here to the entire project of formalised animal usage for direct human ends, and not the 'overused' quasi-religious notion of 'good stewardship'. Contemporary husbandry by and large takes the form of large scale 'farming' of animals - on the whole, the wholesale 'husbandry' of which is 'legitimised' by the assigning of *property status* to those individuals that are deemed fit for such purpose.

excesses arising from these forms of constraints.[9] However, the *very act* of constraining of animals for our selective ends, frequently (and certainly in the case of Taylor's definition of 'Positive external constraints') is, in fact, standard practice. In regard to Taylor's other constraints ('Negative external constraints', 'Positive internal constraints', and 'Negative internal constraints'), these variously occur all too frequently as a consequence of modern farming practices irrespective of the 'best efforts' of welfarist protectionism. With regard to animals in human servitude, my claim is straightforward: the biocentric approach developed here is clearly antithetical to contemporary animal husbandry.[10]

Constraints and the Rule of Fidelity

In addition to the question of constraints, what Taylor refers to as his 'Rule of Fidelity' (1986, pp. 179–86) is I maintain, in principle, equally pertinent to our use of animals in human servitude.[11] The salient points of the rule are worth reproducing in full, and what the 'rule' as Taylor determines it under his biocentric paradigm absolutely forbids,

> '...is the exploiting of a situation where an animal is deliberately led to be trusting, or is made unaware of any danger, as a way to further the non-moral interests of humans to the detriment of the animal. Let it be repeated that there need not have been any agreement made between human and animal. The animal acts in a certain manner because it does not suspect that the situation is threatening or dangerous, and the human knows this. Indeed, the human may be doing his best to hide from the animal the threat of danger that his presence poses for it. When the animal is then taken advantage of by this deception, it is being treated as a mere means to human ends' (pp. 184-85).

[9] For an exploration of the meaning and implication of 'illfare' see chapter 2.3, 'The problem of welfarism'.

[10] And this basic assertion, I argue, is in effect the underlying 'practical implication' in instigation of a biocentric paradigm regarding animals in human servitude. In this context, issues around the possession of sentience, distinctions between sameness or difference, or what value we assign to cognitive abilities for example, are secondary to my overall claim here that defends an abolitionist stance on biocentric grounds. See chapters one and two for critique of the central arguments arising out of the animal rights and welfare debate and their argued inefficacy for a thorough-going animal advocacy.

[11] Clearly, Taylor is referring to practices such as trapping, hunting and fishing. However, I make the case that such premeditated deception is a defining characteristic of 'meat production'. In this respect I deviate from, and develop further, Taylor's claim that it solely pertains to wild animals.

It is noteworthy that Taylor again clearly uses this rule in respect to 'wild' animals in discussion of its application to hunting and trapping. However, my claim is that each of these elements of *duplicitous intent and action* are entirely applicable in regard to modern farming practice (or indeed, small-scale or traditional husbandry) and thusly, this concept is crucial in defining the delimitations of pragmatic moral action in regard to 'non-wild' animals in human servitude. Indeed, within the remit of contemporary animal advocacy, it is, on my biocentric account, the rule of fidelity that is consistently and recurrently broken. Furthermore, concerning possible conflicts between the duty of non-interference and fidelity, Taylor notes that, 'Here again our first moral requirement is to refrain from creating conditions where animals come to trust us if those conditions interfere with their freedom or impose constraints on other wild living things' (1986, p.195).[12]

Abolitionism and the weak biocentric approach: A synthesis

If we are to refrain from creating conditions where animals come to trust us, then it follows that we are to *refrain* from animal husbandry and its accompanying 'myth' of animal welfare.[13] In fact, advocating Taylor's 'hands off' approach to nature (1986, pp. 193-96) in consideration of the practical determinations *within* animal husbandry (in that husbandry is definitively 'hands-on') presents diametrically opposed aims, that cannot equitably be reconciled with the central purposes of animal husbandry. Where then, does instigation of such a biocentric framework leave the contemporary farming of nonhuman animals? I have argued throughout this work that it is essentially our presumed legitimacy of animal use that derails much advocacy at its core. The presumption of the legitimacy of animal use does of course find its

[12] There are inevitably other considerations in respect to conflicts between the duty of non-interference and fidelity that require pragmatic attention (indeed, this is the raison d'être of this chapter). In this section, I deal only with animals in human servitude and argue that biocentrism is essentially negating of husbandry practices – and thus, 'conflict of interest' is endemic to the very 'practice' of farming of animals. I contend that the biocentric approach is in this regard wholly incompatible with what passes as modern animal husbandry. In the case of wild and semi-wild animals and our attitudes to wider nature, the point by point practical dimensions of such cases of conflict will be explored subsequently - and as such is the subject matter of much of the analysis in, 6.2 'Paternalism and the Biocentric approach'; and 6.3 'Holism and the biocentric approach'.

[13] I argue that animal husbandry, by its nature, interferes with individual 'freedom' and must impose constraints on (otherwise) wild living creatures (and Taylor argues his form of biocentrism on these conditions). My take on welfarism and its accompanying 'myth' was developed at length in chapter 2.3, 'Animal welfare: The myth perpetuated' in respect to welfare's denial that death is the greatest harm.

workaday place in our industrial scale daily abuse of countless nonhumans for (trivial) human ends. The biocentric approach forwarded here, that supports a view that there is a duty not to do harm to any individual that has a good of its own, must, I believe, dispute this legitimacy - and call for nothing less than the practice of wholesale animal husbandry to be abolished.[14]

In chapter two, the limits of animal advocacy were discussed in the light of an animal welfare approach, and the burgeoning move in some quarters towards 'abolitionism' within the animal ethics arena was introduced and developed.[15] I consider that in the context of the 'failure of welfarism' - argued for within the body of this work[16], the core beliefs of biocentric individualism rightly accord with the basic principles of abolitionism arising from the animal ethics discourse.[17] The suggested synergy between abolitionism and weak biocentric individualism finds place primarily in their common call to a 'hands-off' approach. This synchronicity is aptly expressed by Gary Francione in outlining his abolitionist stance, '...just as we regard every human as having inherent value that precludes treating that human exclusively as a resource for others, so, too, do animals have inherent value that precludes our treating them as our property' (2008, p.23).[18]

From servitude to sovereignty

In practice then, on my account, it is the abolition of wholesale husbandry practice that constitutes the overarching 'practical implication' of the biocentric paradigm. In respect to animals in human servitude, it is not therefore an examination of specific

[14] Again, 'animal husbandry' is to be understood here as a 'methodology' for mass meat production and not to be construed as 'good stewardship'.

[15] For my position on the abolitionist view in respect to this work, I refer the reader to chapter one, 'The challenge of non-anthropocentrism', and chapter two, 'Animal welfare: the myth perpetuated' of this work. For thoroughgoing exploration, see Gary Francione's (1996, 2009) and Joan Dunayer's (2004) development of an abolitionist perspective in regard to animal husbandry and the critique of the limitations of welfare.

[16] This was of course the central theme of Chapter Two, and forms one of the 'tripartite failures' of animal advocacy that characterises this work.

[17] Gary Francione succinctly sums up his central claim in a pivotal sentence, 'If we are going to make good on our claim to take animal interests seriously, then we have no choice but to accord animals one right: the right not to be treated as our property' (2008, p.25).

[18] In his work 'Animals as Persons', Francione is clear however that we are not morally obligated to treat nonhumans *as* human persons in as much as humans have interests that nonhumans do not have, and vice versa (2008, p.23). Also, it is to be noted that Taylor's biocentric view is somewhat broader in scope than Francione's. See chapter 5.3 for extrapolation of his biocentric position, and again in 5.4 for analysis of Taylor's approach in respect to my own.

issues around the practical implications in matters of conflict of interests, and the contextual factors may have relevance in relation to each other in adoption of the biocentric approach to animal advocacy that is obligatory with regard to animal husbandry. Under a biocentric (abolitionist) approach, the *legitimacy of husbandry itself becomes a moot point.* Rather, it is to the matter of what conditions would need to be in place, and as to how these may tentatively come about upon effective abolition of extensive animal husbandry that is of pragmatic concern. I follow Francione in his claim that it is first and foremost, the *property status* of nonhumans that needs to be addressed. As long as nonhumans are accorded this status, then it is difficult to envisage that a biocentrically-based approach can have practical force.

Alongside what Francione sees as the inevitable and necessary vigorous educational campaign, he offers what I believe to be five useful criteria that may be extrapolated to form a 'practical framework' for a biocentric model (1996, pp.192-211): 1. 'An incremental change must constitute a prohibition'. Essentially, this correlates with identification that certain institutionalised animal exploitation behaviours need to be prohibited - rather than, for example, simply ameliorated by the sorts of welfare initiatives discussed in chapter two; 2. 'The prohibited activity must be constitutive of the exploitative institution'. This is a corollary to criterion one and helps to define what may *constitute* exploitation - in short, the activities that fall under an 'agreed' exploitative intent need to be defined; 3. 'The prohibition must recognise and respect a non-constitutional animal interest'. This form of prohibition correlates with a general 'respect' attitude developed in this work, and Francione's claim here is essentially that this recognition would help in 'targeting those interests the animal would have were the animal no longer regarded as property' (1996, p.292). 4. 'Animal interests cannot be tradable'. Building upon the previous criteria, Francione is careful to point out that such a claim against tradability is not necessarily to infer that a right cannot be overridden by another right *per se* (reflecting the 'weak' biocentric account developed in chapter five), but rather that it is necessary that (animal) interests 'be understood as trumping the interests of property owners' (1996. p.206). Again, this prohibition seems to correspond favourably with notions of the species neutral approach discussed in chapter four; 5. 'The prohibition shall not substitute an alternative, and supposedly more humane, form of exploitation'. This fifth criterion clearly has resonance with the central arguments in chapter two of this thesis

regarding the 'problems of welfare' and the failure of incremental welfarism. Francione sees this criterion as holding, 'that it is inconsistent with a rights theory to treat some animals exclusively as means to the ends of others, or as property, in order to secure some benefit that is hoped will eventually secure a higher moral status for other animals' (1996, p.207).[19]

Whereas I would not suggest that these criteria necessarily present a complete and comprehensive framework for instigation of a biocentric paradigm, I believe they certainly offer a *pragmatic* preliminary way forward in addressing the seismic changes that a biocentric worldview would manifestly initiate. I leave the final observation to Francione,

> 'Our accepting that we have no moral justification to continue to treat nonhumans as commodities would not entail letting domesticated nonhumans run free in the streets. It would, however, entail that we stop bringing animals into existence for the purpose of human exploitation. We should care for those who are here now, but we should stop causing more to come into existence. We would still have to work through what equal consideration would mean in our dealings with non-domesticated animals. But even that would be much easier to do if we accepted that the property status of nonhumans has no justification other than as a result of speciesist hierarchy that we created and that we perpetuate' (2008, p.128).

And it is indeed precisely to the issue of *working through what equal consideration would mean in our dealings with non-domesticated animals* that I now turn, in exploration of the practical implications of 'Paternalism and a biocentric approach', and the subsequent broadening of this exploration in discussion of 'Holism and a biocentric approach'.

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[19] Naturally, the abolitionist stance is not without its detractors, and I would not wish to imply that abolitionism would be without practical problems in application. Indeed, Rob Garner defends his take on a broad animal protectionism in an excellent and pertinent jointly authored debate with Gary Francione in, *The Animal Rights Debate: Regulation or Abolition'* (2010). Garner cites possible problems for an abolitionist stance in practice, including: the argued 'fundamentalism' of an abolitionist stance; a mounted defence against Francione's (and my) claim that welfarism is counterproductive; an argument that welfare in practice *does* work (refuting the abolitionist's 'myth' claim); that incremental abolitionism is practicably possible in Garner's view; and arguments as to the inefficacy of 'moral crusades' that Garner argues 'characterise' the abolitionist stance. I do not wish to reproduce the full counter-arguments here, and largely follow Francione's take in defence of abolition in regard to contemporary animal husbandry practices. I make my own observations regarding the failures of a welfarist approach (and need for abolitionism) in chapter 2.3, and thusly argue the need for a radical rethink on animal husbandry practice. Further possible problems in application of my biocentric approach are discussed subsequently in 6.3 and 6.4.

6.2 Paternalism and a biocentric approach

At the outset of chapter three, a core problem for animal advocates and for many who would ascribe to green credentials in general was introduced. The suggested difficulty was whether an individually centred ethic could provide a credible basis for our 'obligations' to systemic environmental management, preservation of ecosystems, and conservation of endangered species. I argued that whether we consider our interventionist actions to be borne of a form of enlightened anthropocentrism, or one engendered by a thoroughgoing ethical theory, neither position critically challenges the underlying presumption of the legitimacy of actual animal use. I then questioned if a form of paternalism based upon these sorts of presumptions of legitimacy can ever ground a wholly satisfactory 'duty of care' towards the nonhuman world.

In this section I examine the functional concerns relative to conflicts of interest arising from the differing values assigned to native and non-native animals in contemporary conservationism in light of a biocentric approach.[20] I believe that the differentiation between what is accepted to be 'native' - and what is deemed to be 'non-native', is central to explaining why animals are routinely disparately treated in practice.[21] The 'selective' nature of paternalism, I argue, characterises a great deal of contemporary conservation practice. It is then, the selective nature of conservation practice that I wish to largely concentrate upon here in regard to its possible practical implications for animal advocacy in light of a biocentric and individualistically developed framework.

[20] This emphasis echoes the themes of chapter three. I believe the selectiveness embedded within much conservation theory and practice forms a key (and under evaluated) problem for advocacy in this respect. Although conservation does of course also centre its concerns upon 'conserving' rare and threatened species, I contend that competing claims in regard to 'rarity' and vulnerability likewise pivot upon this same embedded selectiveness - and as such I concentrate my analysis here on the (native/non-native) distinction in practical application in order to illuminate my overall argument.

[21] I refer here to what is generally termed as 'nativism'. This notion is frequently (especially within the UK) the foundation of much of contemporary conservation practice. This often takes the form of the 'native good, aliens bad' presupposition.

The problem of 'selective paternalism'

If 'good' stewardship may fairly be understood as the attempt at 'redressing' ecosystemic balance in regard to 'wild' nature, whilst generally supporting of reasonable welfare standards for those animals that form part of a mixed human-animal community (usually companion and livestock animals), stewardship *in practice* nevertheless seems highly selective in its sphere of concern.[22] So-called feral animals and exotics belong neither to the first group (the 'native' ecosystem) nor to the second (a mixed domestic community).[23] On this account the persecution and eradication of these animals is in fact justified primarily on the grounds that they do *not* seem to belong to any community on the one hand, or a designated local ecosystem on the other.[24] Furthermore, 'invasive pests' (as these creatures are frequently termed) are demonised as extraneous 'foreigners' and considered neither interesting as species, nor as individuals.[25]

It is worthwhile at this point clarifying what may be a useful 'working' definition of the multifaceted attributes that constitute a living entity in regard to a general biocentric interpretation. Lawrence E. Johnson attempts such a working definition: 'A living entity is an ongoing process, occurring in a dissipative thermodynamically open system, organising and maintaining itself in near equilibrium with its environment by

[22] Generally understood, environmental stewardship refers to responsible use and protection of the natural environment through conservation and sustainable practices. I explore here notions of 'stewardship' in relation to what I am calling 'selective paternalism'.

[23] And these frequently constitute animals such as 'foreign' freshwater crayfish, mink, grey squirrels and many 'non-native' vigorous plant species in the UK.

[24] It is to be remembered that many feral species did not 'choose' to live where they are now living; Humanity took them there. The sorts of practical implications in discussion here, in this sense are in the business of 'managing mismanagement' (ostensibly attempting to manage previous mismanagement). Given that fallible humans are attempting to rectify previous fallible human 'error, this is an activity potentially thwart with infinite regress.

[25] It is interesting to note sinister echoes of the sorts of elitism that finds pragmatic place in the exclusion of designated *human groups* in contemporary society. The blatant propaganda of political parties such as the BNP in the UK, likewise demonise 'extraneous foreigners' and 'non-natives' and call for direct action against such. One wonders what self-image underlies such attitudes. Is the overt 'selectivism' employed by rigorous conservationists and preservationists a curious comparitive case of human foreigners (in the ecological sense) condemning animal foreigners? It is evident that (the largely white, male and middle class) conservationists would not advocate the eradication of themselves - as members of a group of exotic white 'invaders' - whose extremely adverse impact on local ecosystems has been well-documented. Might they then legitimately support curbing all (non-aboriginal) human lives and births, not to mention more drastic measures? If not, the question remains as to how such measures can rightly be justified with regard to nonhumans.

means of high levels of homeorhetic feedback sub-systems'; and in consideration of individual interests arising from this state he further adds that, 'A living entity has an interest in whatever contributes to its coherent and effective functioning as the particular ongoing life-process which it is, with its own particular character'[26]. On this interpretation, sentient beings (at least) therefore have interests which are simply not just the aggregated interests of individuals. Selective forms of paternalism deny this particularity in the discriminatory intent to exclude certain *aggregated categories* of nonhumans under their 'protectionist' agenda. Despite the professed intent of ecosystemic management policies for the 'common good', the kinds of zealous interventionism displayed in much conservation, preservation and restoration policy and practice towards feral and exotic animals, I believe, all too readily exemplify the prosaic presumption of the legitimacy of animal use discussed throughout this work. Prosaic or not, it is clear that the implementation of such selective forms of paternalism have serious practical implication for countless nonhumans.

Notwithstanding, the aim of conservation practice in this context is primarily to ensure the continued survival of flora and fauna 'native' to the locale/region/political border/or other professed boundary.[27] This would of course on face value seem a reasonable and arguably worthwhile aim. However, contemporaneously, 'native' has in practice come to denote species belatedly (and usually within living memory) introduced - by accident or design - by humans. So, if these 'new' species possess an evolutionary advantage (or it may be said, some 'resident' species thus now possess an evolutionary 'disadvantage'), eradicating those category of species deemed to be detrimental to the 'native' ecosystem would seem a paternalistically responsible thing to do for those subscribing to this mindset. Indeed, many conservations and preservationists defend the diverse methods of control (which variously include shooting, poisoning, trapping, gassing and sterilisation) and the incalculable infliction of pain and suffering these methods cause, by asserting that

[26] These distinctly biological definitions are to be found in Johnson's 'Future Generations and Contemporary Ethics' (2003), p.478. 'Homeorhetic' here is adopted by Johnson to indicate that *'life maintains itself within a favourable range of states, but does not continually maintain constant states'.*

[27] 'Native' here is used in a general sense to include that which is designated by humans as largely existing in a particular place before the arrival of humans and their biological 'baggage'. In this wider sense it can mean whatsoever we deem it to mean, but has belatedly come to be more specifically aimed at 'late arrivals' on the regional scene such as 'foreign' freshwater crayfish, mink, grey squirrels and many 'non-native' vigorous plant species in the UK.

they are in fact acting morally. The general assertion is that there is a *moral obligation* to preserve biological diversity, and, for advocates of this view, this sometimes necessitates direct interventions in order to 'undo' adverse ecological consequences. Again, this seems a reasonable claim if in fact such an obligation is requisite.

Viewed through the prism of biocentric individualism, there are however, I believe, several functional difficulties with this patent claim for selective paternalism in the context of nonhuman 'foreigners'. Perhaps the most apparent is the now familiar contradictory definition of nature.[28] The contradiction embedded in this central claim is that nature on the one hand should be viewed as separated, autonomous and largely distinct from the human realm, whilst on the other hand is to be seen as somehow not separated; concurrently, it is to be viewed as *dependent* on good stewardship and not autonomous - and therefore something to legitimately be manipulated and (re)constructed according to human perceptions. It is clear then that the belief that nature is (or rather more precisely, *should be*) viewed as distinct, creates - in the case of feral and exotic species – a *conflict* with the belief that it is appropriate for humans to (re)construct the environment.[29]

Furthermore, if it can be argued that it is nevertheless legitimate to target certain species whilst still retaining an 'in principle' adherence to non-interventionism (a 'hands-off' approach in Taylor's terminology), this then raises the question of which species are to be singled out. To put it another way, what 'biological baggage' is to be deemed morally obligatory to eradicate at all costs? Historically speaking, the culling of wild animals entirely in order to (re)construct 'nature's balance' is a decidedly recent impulse. This shift in attitude towards the natural world is not merely reflective of our increasing impact and global awareness, but marks a paradigm shift in the age-old presumptions of the legitimacy of use of nature: in the main, the claim that humans have the 'right' to destroy nonhumans whenever, wheresoever and however they deem fit. Irrespective of its antecedence, in practical terms, this blatant

[28] See discussion on the diverse understandings of nature in chapter 3.1. In particular, for a broader perspective on interpretations of what nature may constitute, see the critique of holistic/individualistic views of nature that forms the central theme of chapter 4.

[29] See subchapter 3.3, 'Managing Mismanagement: The End of the Individual' for development of this embedded contradiction in respect to individualism.

assertion forms the very antithesis of the biocentric approach developed within this work.

This further begs the question for selective interventionism as to how far back we are to turn the 'ecological clock' – pre-industrial, pre-European, pre-Neolithic or perhaps, more troublingly, even pre-homo-sapiens – or indeed any arbitrary choice that suits the current environmental paradigm. It is the question of 'which nature' we are to create that I believe forms a central problem for interventionism; as Jo-Ann Shelton remarks in discussion of the shooting of sheep on Santa Cruz island in attempts at 'restoration' of the (presumed) archaic pre-European landscape,

> 'The Nature Conservancy planned not simply to conserve populations of pre-Columbian plants and animals, but to restore a pre-Columbian landscape. The two goals are similar, but not identical. Conservation allows for the possible co-existence of species; restoration is a type of biological cleansing, an 'exorcism of the exotics' that requires that all European elements be remove in order to recreate an archaic scene. The Nature Conservancy considered it necessary to eliminate the sheep as quickly as possible, and, in December, 1981, it instituted a program of shooting them. By June of 1989, over 37,000 sheep had been killed'.[30]

It is clear from this 'real-world' example of the practical application of interventionism's zealousness to (re)create nature in man's image of nature, that it is not limited to exorcising 'standard' exotics, but may well encompass the decidedly non-exotic - in this case the modern sheep, a derivative 'species' largely 'created' by man in the first instance.[31]

This instance illuminates the second practical difficulty for selective paternalism: namely, that we cannot promote the interests of chosen species without

[30] Shelton gives this graphic historical example of normative prescriptive presumptions of interventionism in restoration practices. In the UK, ideas of restoration are often conflated with conservation, and to disentangle the practice from theory would likely need a case by case assessment. The quote is from Shelton's paper entitled 'Killing Animals that Don't Fit In: Moral Dimensions of Habitat Restoration' (2004).

[31] Relatively recent mass culling of grey squirrels in the UK that, as a species, have been resident for over 130 years is a case in point. In order to try to bolster numbers of red squirrels and stop the 'advance' of the grey, grey squirrels are being systematically destroyed in many UK regions. For a good example of the zealousness of selective paternalism, see the paper produced through the Scottish governments' rural development program 'Control of Invasive Non-Native Species' and the 'Red Squirrel Action Plan 2006-2011.

ignoring humane considerations about others.[32] In the above example of selective paternalistic practice, the public outcry had two dimensions: firstly, that the shooting was wasteful (dead animals were left to putrefy where shot), and secondly that the process was cruel - as there was little or no consideration for the pain and suffering of the sheep. Many thought that the reasoning did not justify the cruelty demonstrated by the restorationists. More worthy of note than the reactionary (though arguably justified) public outcry was the response from the restorationists, whose retort was that the negative sentiments (negative for the restorationists that is) expressed by so many people could summarily be dismissed simply because they were based upon ignorance – in this case, ignorance of 'habitat restoration'. This elitism is not uncommon from the proponents of selective paternalism. Further extrapolation of Shelton's example of the practical implications for (some) nonhumans of the embedded selectiveness with paternalistic forms of animal advocacy will be useful in illuminating its functional dimensions. In making a comparison between the now universal vilification of mass killing of bison in 19th century North America and the killing of the sheep in Santa Cruz, Shelton makes an interesting observation,

> 'Restorationists will argue that bison were killed by people whose interests were selfishly anthropocentric, whereas feral sheep and pigs are killed by people whose interest is the repair of damage done to the environment by previous generations of thoughtless humans. The goals certainly seem distinct, but there is a common denominator here: it is we humans who make the determination that a species does not 'fit in, that it has 'to go', and we make this determination on the basis of whether the existence of that species conflicts with our own interests – our interests at one time being economic expansion, at another time being the pleasure of visiting restored landscapes' (2004, p.8).

This incisive observation highlights the crux of the issue in the context of the practical dimensions of the themes of this chapter: that is to say, the common denominator between these seemingly distinct determinations in our treatment of

[32] And this of course constitutes a central enquiry within this chapter. In this section I confine myself to the selectiveness of standardised conservation practice and the pragmatic consequences for those deemed to be 'non-natives'; in the next section, I address the problems of promoting the interests of chosen species without ignoring humane considerations about others in terms of notions of individuality and conflict resolution.

(here, 'some') nonhumans, is again the underlying presumption of legitimacy of use (in the example above, straightforward instrumentalism in the first instance - and 'straightforward' paternalism in the second). Both produce the same actual outcome for individuals of the 'target' species – usually death, swift or otherwise, at the hands of humans. That one determination is seen at any given point in human history to be motivated by 'higher' moral principles does nothing to ameliorate the pain and suffering of the chosen nonhuman individuals destined for eradication because of capricious human interests. Again, such 'principles' are in serious discord with biocentrism's core beliefs.[33]

Selective paternalism (indeed, arguably, all forms of paternalism) is normatively based upon a presumptive 'model' of how the world *is/should be/could be*, and as such paternalism seeks to readdress any 'imbalance' by actively (in practical terms) tweaking, nudging, or decidedly *pushing* elements in order to reconstitute that model into the prescribed and desired form. However, 'nature' is not fixed and permanent – and thus readily lending itself to a predetermined fixed analysis – but is dynamic, fluid and complex to a degree (likely) beyond human calculation.[34] On the biocentric account developed here, within this ever-changing dynamism *there is no applied distinction* between 'natural' dimensions of an ecosystem and 'unnatural' ones, of 'native' and 'introduced', 'indigenous' and 'exotic', 'wild' and 'feral'.[35] Obviously, these kinds of categories are human constructs, often largely construed in idealised models of how nature 'should be'. The worrying aspect of such forms of dualism that tend to be embedded in ecological constructs of selective paternalism, is not that such categories are *prima facie* 'constructed' (after all, categorisation and classification are precisely what humans tend to be good at), but that in practice many conservationists in their 'moral' zeal, do not simply *prefer* one group over another, but *dismiss* whole groups (and of course the individuals

[33] Taylor's core beliefs were outlined at the beginning of chapter 5.4.

[34] This assertion accords with Taylor's second biocentric 'core belief' that states, 'that the human species, along with all other species, are integral elements in a system of interdependence such that the survival of each living thing, as well as its chances of faring well or poorly, is determined not only by the physical conditions of its environment but also by its relations to other living things' (1986, p.99).

[35] Shelton makes mention of some of these sorts of categories in discussion of the historical case (2004), p.10.

within them) as 'valueless' - and consequently beyond any serious moral consideration.[36]

Clearly, for advocates of a biocentric and individualistic view, such selective summary moral dismissals are anathema. Clearly, in practical implication, biocentric individualists would wish to reject notions of moral negation of whole groups and individuals (the distinction between native and non-native in this regard), and would seek to advocate development of a system of values which would accommodate the interests of all animals – not merely those that fit with an idealised model of how nature *should* be.[37] The form of weak biocentric individualism developed in this work is antithetical to the selective nativism embedded in paternalistic animal advocacy, and as such, selective distinctions between native and non-native are to be rejected. In workable terms, this would mean that, for example, there simply is no morally legitimate decision to be made *between* the interests of the category 'grey squirrel' and that of 'red squirrel'. On a weak biocentric account, individuals of each classification deserve equal consideration of interests – irrespective of notions of provenance and precedence.[38] How interest conflicts *within* such categories may be resolved, and what different factors may be prioritised in relation to one another, will be explored next in a critique of holism and the biocentric approach.

6.3 Holism and a biocentric approach

In chapter four, ecocentric approaches and their debatable efficacy for adequate animal protectionism were discussed in the light of the central contentions of this

[36] See footnote 25 for the kinds of overt 'selectivism' employed by rigorous conservationist and preservationist groups and following note.

[37] And this may include decisions as to which animals are deemed 'worthy' of conserving. Apart from the native/non-native selectiveness discussed here, 'rarity' may be one such criterion. Again however, only a very 'select' few animals under threat of extinction are chosen to be 'saved'. The embedded selectiveness of such human preferences (usually the cute, exotic, or dangerous animals are to be conserved - and not the plain, ugly, dangerous or uninteresting) regarding rarity is again highly selective and the very antithesis of the notion of species neutrality that is central to the developed biocentrism in this work. This notion was discussed previously in chapter 4.4, 'A species neutral approach', and will be revisited again in practical terms in 6.3.

[38] This is not to say that certain differences in treatment may not legitimately take place due to other factors - such as for example cognitive ability or ecological impact (discussed subsequently). However, on the biocentric view, these are to be assessed on an individual case basis and not on a 'crude' 'good native, bad alien' calculus. See the next section 6.3, for exploration of this basis.

work. Carolyn Merchant argues that these approaches can be generally characterised by a 'moving away' from atomistic views in favour of a holistic understanding of life; contending that these positions are often viewed as polar opposites - atomism at one end of the scale and holism at the other (1992, p.86). The pertinent point for our exploration in hand is that individualistic theories are generally stated in terms of 'properties' that an animal possesses - irrespective of membership of any group, whereas for holists, an animal is principally important depending on which group it belongs to.[39]

There are of course limitations to both approaches. For example, how to adequately decide upon a course of action in situations where the same outcomes would affect individuals of two different species – one of whom belongs to a common species but is a higher mammal, the other a member of a highly endangered species but lower on the phylogenetic scale remains problematic for both views. This problem is compounded further if indeed the variance between the two animals is *less obvious* (two mammals for example), or a choice based upon sentience alone as the benchmark for moral consideration means in practice that in benefiting the sentient individual, the cost is eradication of an entire species (or at least perhaps the 'local' population). These are serious problems, and therefore some of the more contentious lines of reasoning in respect to the weak biocentric approach are to be examined in this section in exploration of the practical implications of these kinds of problems.

A general remark to be made at this point is that these sorts of applied ethical dilemmas are certainly not exclusive to a biocentrically-based individualistic view, and the points of intersection under discussion between theory and practice resemble the theory to practice difficulties that any theoretical approach has to confront in 'real-world' application. To be sure, the holistic account in relation to applied deliberation over species preservation seems equally 'out of place' when discerning how to adequately address questions about individual value. As Nicholas Agar points out, 'The species membership of a gorilla makes no difference to the pain it feels in a medical research laboratory. A butterfly possesses the same good in

[39] And here I am simply observing that holists do not have the monopoly on 'environmentally correct' ethics, despite the presumptive claims of many environmental holists to hold the empirical high ground. This notion is argued at length in chapter 4.2.

terms of the biological functions of its parts, whether or not it belongs to the last breeding pair of its species' (1995, p. 403).

Some practical limitations of the holistic view

On an initial reading, a principle that calls for a wide expansion of moral consideration and recognition of the importance of every *component* of the inter-linked web of nature would seem readily analogous to the aims of an individualistic and biocentrically-based view - that would in like manner seek to assign moral standing to nonhumans. Indeed, the need for an extension of what counts as the moral community espoused by many holists is a cornerstone of animal ethics.[40] In this regard, extending the moral community beyond purely human bounds constitutes a commonality of purpose. However, I believe that there is a key point of departure in pragmatic terms between holistic conceptions and biocentric notions of animal advocacy as presented in this work. This divergence chiefly finds place in practical application in the recognition that the *equal importance of every component* of the inter-linked web of nature is manifestly not the same as recognising *equal consideration of interests* of individuals. For biocentric individualists it is unlikely that an all-embracing holistic paradigm would form sufficient protection for individual nonhumans as the individual is *subsumed* into the 'whole' - irrespective of aspirations to greater egalitarianism. [41]

A functional problem for approaches that seek greater species egalitarianism in respect of pragmatic animal protectionism (and clearly this includes biocentrism) is that any claim to 'respecting nature' may, as Alan Carter points out, only hold 'in

[40] Typically, deep ecologists hold this view. Key theorists such as Arne Naess, Bill Devall, George Sessions and Warwick Fox advance this form of egalitarianism in variant form. See Naess 'The Deep Ecological Movement: Some Philosophical Aspects (1986), Bill Devall and George Sessions, *Deep Ecology: Living As If Nature Mattered* (1985), and Warwick Fox in *A Theory of General Ethics: Human Relationships, Nature and the Built Environment* (2006), also for a broader perspective see an earlier paper entitled, 'Deep Ecology: A New Philosophy of Our Time? (1984).

[41] In fact, this theme constituted the central critique in chapter 3 in discussion of how an individualistic account may differ in pragmatic terms from a holistic view. See in particular, chapter 3.2 'A fresh viewpoint'; 3.3 'Revaluing the individual'; and 3.4 'Re-evaluating the individual', and again in 'Deconstructing species' for extrapolation of the argued differences between the individualistic and holistic accounts.

principle'.[42] How might for example, the *boundaries* of particular life forms be assessed under this all-embracing paradigm? In attempting to apply the principle of considering beings equally, in functional terms, then it may be necessary to redefine any 'natural' boundaries – an obvious example to be drawn (from argument within this work) is the differentiation between sentience/non-sentience that many animal advocates would certainly wish to make. Furthermore, it is unclear what exactly constitutes the 'things' which should be treated equally (and this is not merely a practical matter, but one that would also apply 'in principle'). As outlined in the introduction to this chapter, claims about moral equality of species must therefore at some point contend with theoretical and applied *cases of conflicts* between *and* among the interests of humans and members of other species – a now familiar and recurrent challenge echoed throughout this work. When we talk in terms of our ethical interrelationships with living beings, clearly we unavoidably talk in terms of the real-life and death decisions that directly affect countless beings, and as such an 'unworkable' theoretical stance would arguably impart little more than sophisticated human appeasement in the form of utopian abstractions. [43] This is of course not to suggest that theory cannot be 'utopian' in scope.[44]

Are then ethicists, like me, who advocate a form of biocentric individualism, merely failing to fully recognise the 'practical nature of ethics and consequent impossibility of separating human concern and value from any environmental ethical consideration?' (Avery, 2004, p.32). Credible 'radical' environmentalists such as Arne Naess for example, are not ignorant of the difficulty.[45] He admits that whilst it is true that those who forward radical protectionist agendas 'sometimes write or talk as if human needs, goals, or desires should under no circumstances be taken as privileged overriding', for Naess, 'such a norm, if followed uncritically, would, of course, make humans into a strange kind of proletarian and would result in their extinction' (1984, p.267). Nevertheless, he rejects that beings should somehow be 'ranked' according to their relative intrinsic value – which in turn could 'justify' the killing of the less valuable, and suggests that 'we might agree on rules such as will

[42] Cited in French (1995), p.329.
[43] What may constitute basic and non-basic needs is examined further in 6.3.
[44] I altogether concede that the (current) 'majority view' of what may constitute the delimitations of our moral obligations to nonhumans does not readily accord with the pivotal propositions presented in this work.
[45] It is to be noted here of course that Arne Naess is not a biocentric individualist.

imply different behaviour towards different kinds of living beings' (1989, p.167). Naess concludes that in the final analysis our acts must be morally guided by a 'realistic egalitarian attitude' (1983, p.176). On his account, animist cultures that allow the slaughter of animals for food and clothing, but as a ritual requirement the killing is conducted with 'reverence' and a genuine regret for the act, then this is morally permissible.[46] This qualification is not as straightforward as its imagery suggests. The problem from a biocentric perspective is that in this example it is not that the hunter may need to kill in order to survive (and arguably an action deemed morally permissible in claiming a clause of 'self-defence' - in that the hunter and his family would otherwise demonstrably die),[47] but rather that it would be near impossible to ascertain if the discrete acts of killing were in fact done with 'reverence', and in addition introduces the problematic of determining what reverence *itself* actually embodied. [48] Likewise, how might we measure a 'genuine regret' for the act? Even if some morally permissible yardstick could be perceived of and applied in such an instance, to suggest that a certain 'attitude' to killing in some ephemeral way makes the killing somehow less reprehensible is a highly dubious claim at best. Moreover, an arrow, spear, knife or bullet is not in some magical way imbued with the 'reverent and regretful' attitude of its instigator; after all, the suffering and dying animal knows not whether it is slaughtered reverently or with malice aforethought, but merely that in its death throes it has been severely (mortally) harmed.

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[46] French cites this example that does raise the issue of cultural variances in ethical delimitations. Most literature on animal ethics in the main implicitly refers to our obligations to nonhumans in the developed world. French discusses this in the light of biospherical egalitarianism in 'Against Biospherical Egalitarianism' (1995), p.44.

[47] And self defence is suggested as one of the primary considerations in practical application of a biocentric approach – discussed subsequently in 'Some further practical considerations'.

[48] Paul Taylor gives a reasonable working definition of the principle of self-defence that holds that *'it is permissible for moral agents to protect themselves against dangerous or harmful organisms by destroying them',* see *Respect for Nature* (1986), pp.264-65. A broader interpretation may be used in the sense of 'survival', such that the native may kill an animal if no alternative is available in order to survive. This interpretation is debatable however, in that meat is not a necessary requirement of a healthy life and alternatives can with forethought almost always be found. A possible exception is of course those peoples living in extremely harsh conditions such as the Inuit of the extreme Northern hemisphere where little vegetation is to be found. Nonetheless, it may also be argued that living in such extreme conditions is in itself a 'decision' and the option to move to a more clement environment when faced with such extremity (and a restricted and therefore unhealthy diet) is a viable, though controversial proposition. Certainly the vast majority of peoples during the last ice age made the decision to move south in order to flourish (a part of which was partaking of a more varied diet).

A perhaps deeper concern that any proposed biospherical egalitarianism presents (and again, this includes the biocentric view developed in this work), is that if a strict egalitarianism is rightly the 'moral ideal' in deciding upon our moral obligations to other-than-human animals, then on such a levelled moral landscape conflicts of interest could, theoretically, equally be decided upon by nothing more than the flipping of a coin. If in fact all is to be ranked equally on a strict egalitarian interpretation, then *any* reason (or again just flipping a coin) may be deemed 'equally' morally valid - clearly not the intent of a biocentrically-based position.

Some further practical considerations

Regarding what may constitute the functional implications of a biocentric position, I suggest that any such 'framework' does not, however, need to be so inflexibly constructed. As biocentric individualism centres its moral concern upon *individual life*, 'similar' situations of conflicts may legitimately be dealt with differently on different occasions and under dissimilar conditions (and this may mean that conflicts arising in regard to one particular set of circumstances in one location/set of circumstance may be resolved differently in another – or even conflicts within the same group/location may for certain reasons be resolved differently).[49] This fact makes any overly prescriptive 'framework' unnecessary. Indeed, individuation in dealing with instances of conflicts of interests, is in fact a key strength of developed biocentric individualism. In contradistinction to a holistic view, this individuation is premised upon a straightforward claim that, 'the good of a biotic community can only be realized in the good lives of its individual members' (Taylor, 1986, p.70). I propose that three primary factors are of principal consideration in the practical application of this 'embedded individuation'.[50] These form the primary applied criteria for a

[49] Essentially the 'weak' interpretation of biocentric individualism developed in this work. Notwithstanding, such conflict resolution is to be carried out *within* the core beliefs of biocentrism. See in particular Paul Taylor's detailed account of conflict among competing claims (1986, pp.273-306) for meticulous examples and extended discussion of competing claims from his biocentric perspective. See also Gary Varner (1998, pp.121 -38) for a more generalised account. I largely follow Taylor in his delimitation of some of the more pragmatic concerns in this regard. I here of course restrict myself to the practical implications for the arguments presented in the body of this work regarding welfarism, paternalism and holism.

[50] By 'primary' here I infer that these principles 'stand' in all deliberation over conflicts of interests. 'Secondary' considerations are those that are *specific to each case* in dealing with conflict resolutions at large, and, 'secondary' considerations therefore may be determined as all of those that *fall under* these general criteria in *situational* practical application of individuated

developed biocentrically-based view, and I will discuss each criterion in turn in regard to their practical implication for a biocentric approach:

1. Adoption of a 'hands-off' approach
2. Defining of basic and non-basic needs
3. Permitting a principle of self defence

1. The 'hands-off' approach or principle of non-interference

Adoption of a 'hands-off' approach or principle of non-interference can be seen as the overriding principle in functional application of the form of biocentric individualism developed in this work.[51] Dale Jamieson's quote that forms the epigraph for this chapter aptly encapsulates the spirit of this principle, 'The most effective way to promote wild nature is not by doing new things and undertaking new projects, it is simply to refrain from the murderous activities that are part of everyday life' (2008, p.195). It is upon this principle that my central arguments throughout this work for the 'illegitimacy of animal use' pragmatically turn. What I mean here is that my arguments for the illegitimacy of use have their *practical force* in a non-interventionist approach. In short, if it is 'illegitimate' to presume our use of animals as wholly morally defensible, then (whenever we can) it is entirely cogent that we should adopt a better approach. This approach in functional terms means that as 'neutral' a disposition as possible needs to be applied with reference to competing claims and conflicts of interest amongst and between species. For Taylor (and I concur), this is a keeping of 'one's distance from the course of events in nature, regardless of what species are faring well or ill according to the fortunate or unfortunate circumstances of their daily lives' (1986. p.209). In practice therefore, it is clear that a biocentrically-based animal advocacy is principally distinct in application from the categories of mainstream 'proactive' interventionist advocacy critiqued throughout this work. Notwithstanding, in instances of 'unavoidable' conflicts of interests there is a need to

concerns (the necessary individuation inherent in the biocentric view in dealing with distinct and disparate instances of conflicts of interests). Many of such secondary practical implications for adoption of the biocentric perspective have been the subject matter of this chapter (implications of abolitionism in 6.1, and application of selectiveness in 6.2). These are further discussed subsequently with regard to the assigning of ecological value in practical application.

[51] And again, this hands-off approach was reflected in the proposed abolitionist stance in regard to welfarism in 6.1; the argued illegitimacy of selective forms of paternalism in 6.2; and proposed as a central tenet of the adoption of an individualistic approach in 6.3.

determine the strength of competing claims and assess what may constitute basic and non-basic needs.

2. Basic and non-basic needs

In order to determine the strength of competing claims, there is a requirement to define what may constitute the 'basic and non-basic' needs of those parties in conflict in each case.[52] Gary Varner determines that, 'a basic interest is one that in the normal course of events must be satisfied if any other interests of the same individual are to be satisfied' (1998, p.97). In this sense, it is likely that such interests are in the main biological interests (in that the satisfaction of any other interest *requires* the satisfaction of this interest).[53] To have a viable account of basic needs, it would seem then that some needs are to be rightly classified as basic, others openly classified as non-basic, and likely still others remaining more or less difficult to classify. In chapter 5.3, in discussion of a number of criticisms of Taylor's biocentric view, James Sterba's 'Principle of Disproportionality' was introduced. This was constituted primarily as an injunction that prohibits meeting *non-basic* or superfluous needs when it is in direct conflict with satisfying the *basic* needs of others. The principle states that, 'actions which meet non-basic or luxury needs of humans are prohibited when they aggress against the basic needs of individual animals and plants, or of whole species or ecosystems' (1995, p.199). This principle is clearly in accord with the received biocentric approach. That adoption of such a principle manifestly changes the way in which we perceive and interact in practical ways with other animals cannot be overstated. Notwithstanding, on the biocentric account developed in this work, we cannot consistently claim that as 'neutral' a disposition as possible needs to be applied with reference to competing claims and conflicts of

[52] Although I fully acknowledge that 'interests' and 'needs' are in principle distinct in broader terminology, I use the terms in the context of this section interchangeably in Varner's essential sense of *basic requirements* - in that 'a basic interest is one that in the normal course of events must be satisfied if any other interests of the same individual are to be satisfied'. In this sense, the 'satisfaction' of such (interpreted as 'interest' or' need') is to be viewed as a primary one.

[53] Taylor attempts to outline several examples of the non-basic interests that on his account are intrinsically incompatible with the attitude of respect for nature, and those that will cause indirect harm (pp. 273-79). Whilst agreeing with the kinds of examples that Taylor 'lists', I do not wish to be overly prescriptive in this regard – not least, as the embedded individuation of my weak biocentric approach would actively seek a case by case appraisal based upon the biocentric principles outlined herein and the nature of the competing claims.

interest amongst and between species, whilst at the same time aggressing against the basic needs of beings when this serves our non-basic or luxury needs.[54]

How then might such a principle apply in practice with regard to the kinds of divergences between holistic approaches and individualistic positions discussed here? When people's basic needs are at stake, a weak biocentric account does not require that we have to embrace a strict holistic approach to ecosystemic preservation. What I mean here is that if an individual's basic needs are threatened, it is difficult to envisage how it may be construed to be morally objectionable for them to attempt to meet their needs – even if this may harm other species, ecosystems or even the biosphere.[55] Indeed, in this sense, an individualistic view would favour such action (in that it is centred upon the *individual* – and in this case, the *human* individual meeting its basic needs). Likewise, when people's basic needs are not in the balance, acting holistically to prevent serious harm to a species, ecosystem or the biosphere (under the weak account) is permissible (at least from a bottom-up perspective).[56] In this respect at least, holism and biocentrism can intersect.[57] Sterba sums up his take on this form of biocentrism:

> 'In brief, this form of equality requires that we not aggress against the basic needs of members of other species for the sake of the non-basic needs of members of our own species (the principle of Disproportionality), but it permits us to aggress against the basic needs of the members of other species for the sake of the basic needs of the members of our own species (the principle of

[54] And as Sterba points out, this has parallel force in the claim that all *humans* are equal - and yet whilst claiming this we aggress against the basic needs of some humans when it conveniently serves our own non-basic or luxury needs (1995, p.199). The weak form of biocentrism advanced here can be reasonably understood by analogy with the equality of humans – just as we may claim that humans are equal, but treat them differently, likewise we can claim that all species are 'equal' but treat them differently (and indeed my biocentric account would, in practical conflict resolution, *require* such individuation).

[55] This is not to ignore the interdependency of life in the wider sense, and the fact that immature animals are dependents during their maturation. However, my claim here is that there is in the normal course of events legitimacy in the meeting of individual basic need. Likewise, this is not to say that all harm has 'equal' disvalue. As Taylor points out, 'We cannot do harm to a species-population without doing harm to a great many of the organisms that make up the population; harming one species-population is not simply doing wrong to one moral subject. Many such subjects, each having the same inherent worth, will also be wronged, namely all the members of the population that are killed or injured' (1986, p. 285).

[56] See chapter 5.4 for my interpretation of the bottom-up approach.

[57] This does of course presuppose that the husbandry of domesticated animals effectively is abolished (chapter 6.1), and the highly selective paternalism of much conservation practice ceases (chapter 6.2). I talk here primarily in terms of 'wild' animals and wider nature in respect to the intersections between holistic/individualistic views.

> human preservation), and also permits us to defend the basic and even the non-basic needs of members of our own species against harmful aggression by members of other species (the principle of human defence)' (1995, pp.204-05).

It is to the practical dimensions of the latter principle (our third primary criterion - the permitting of self-defence) that we now turn.

3. The principle of self defence

The principle of self defence broadly understood as 'those actions that are permissible when absolutely required for maintaining the existence of moral agents' is an important condition for adjudging competing claims.[58] James Sterba however usefully suggests that the principle is better understood if divided into two principles. The first is:

> 'A Principle of Human Defence: Actions that defend oneself and other human beings against harmful aggression are permissible even when they necessitate killing or harming individual animals or plants or even destroying whole species or ecosystems'.

The second principle is:

> 'A Principle of Human Preservation: Actions that are necessary for meeting one's basic needs or the basic needs of other human beings are permissible even when they require aggressing against the basic needs of individual animals and plants or even of whole species or ecosystems'.

This dissection of the general principle (one that is required for 'maintaining the existence of moral agents'), accords with my development of a weak biocentric view in that it recognises the permissibility of aggressing against others in order to safeguard against not merely aggressive acts, but expresses some degree of preference for members of one's own species in cases of competing basic needs.[59] In this respect 'favouring the member's of one's own species to this extent is

[58] And this is the working principle that Taylor extrapolates in his seminal work (1986, pp.264-69).

[59] An important caveat needs to be mentioned here: on the biocentric account, our right to use force against an aggressor does not therefore imply that we have greater inherent worth than the aggressor. In this sense, the principle of self defence is consistent with species impartiality - as humans as not given advantage simply on the basis of their species. As Taylor points out in reference to the domain of human ethics, 'the right to use force against another human being who assaults us does not imply that we have greater inherent worth than the attacker. It only means that we can rightfully use a 'least evil' means to preserve our own existence' (1986, p.267).

characteristic of the members of *all species* with which we interact - and is thereby legitimated' (Sterba, 1995, p.197). As a matter of fact, if we were to take species egalitarianism to mean that we should consistently 'prefer' the basic needs of other species over our own, then this may lead to the morally dubious proposition that we are 'required' to bring about our own extinction.[60]

The permissibility of 'favouring' of our own species may of course raise an objection to my defence of weak biocentrism. From a strong biocentric position, the criterion of self defence as expounded here, may on face value seem to bring us full circle to the very presumptions of the illegitimacy of animal use that have formed the central contention throughout this work.[61] In short, either the form of biocentrism developed here holds that it all species are equal - or it compromises this claim. If indeed it does, at the last call, compromise its central position then this may appear to again raise the spectre of straightforward anthropocentric bias. The claim needs to be contextualised however: firstly, the permissibility of favouring of one's species is *only legitimate when basic needs are in direct conflict* (that we *not* aggress against the basic needs of members of other species for the sake of the non-basic needs of members of our own species); secondly, it is to be understood in the context of the embedded individuation in deliberation upon competing claims that is characteristic of the biocentric account advanced here (that conflicts may legitimately be dealt with differently on different occasions and under dissimilar conditions); and thirdly, the biocentric account forwarded in this work fully acknowledges that in human ethics there are likewise diverse interpretations of equality that allow for different treatment of humans. In much the same manner, that we variously interpret human equality in ways that 'allow' us to treat humans differently, there are similarly various ways in which we can interpret species equality that allow us to treat species differently.[62]

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[60] Interpreting this view as a form of 'prioritarianism' for example. 'Sterba interestingly notes that the principle of human preservation does not of course support 'unlimited' rights to be designated at our choosing - and comments that the 'theory of justice presupposed here gives priority to the basic needs of existing beings over the basic needs of future possible beings, and this should effectively limit (human) procreation' (1995, p.198).

[61] The 'strong' form of biocentrism was introduced and discussed in chapter 5.3, 'Weak and strong biocentrism'.

[62] Sterba outlines some ways in which we do this (1995, p.204), and cites contemporary examples such as 'ethical egoism' (and the right to sometimes *prefer* ourselves to others); 'Libertarianism' (that there are limits on the pursuit of self interest – such as the right to 'refrain' from helping others in need in some circumstances); and 'Socialism' (although advancing an *equal right* to self-development, nevertheless sanctions some self-preferential actions).

Again, this is I believe an inherent pragmatic strength of the biocentric view developed out of a critique of animal advocacy and the illegitimacy of overt interventionist policy and practice.

6.4 The challenge of theory to practice

As our previous discussion draws out, any theory (and obviously this includes biocentrism) must at some point confront the pragmatic 'messy business' of theory to practice praxis in application. Having explored some of the functional implications for a developed biocentric approach, I want in this concluding section to address some wider issues arising for animal advocacy theory in the context of the sorts of broader challenges that its application may present.

An embedded dualism

That human beings overlay nature with the same sorts of social constructs that our species have adopted as survival strategies is, from this perspective at least, unsurprising. Indeed, the slippery question of what in fact is meant by 'nature' is notoriously ambiguous in and of itself. This ambiguity, and our understanding of our place in nature at large, represents the first persistent broader *challenge of theory to practice* for an ethic of animal advocacy in the context of this work. The term nature can of course be interpreted as everything in the physical world, on the other hand what is determined as 'natural' can take on a more subtle connotation, expressing that which exists and occurs 'outside' of direct human intervention.[63] The difficulty is adequately expressed in the equivocation between these kinds of contentions which have already been touched upon in specific chapter contexts within this work: namely, the standard sorts of 'anti-anthropocentric' assertions that (a) humans are a part of nature and (b) that we ought not to interfere in openly instrumental ways with nature. In a nutshell, if in truth we humans are as natural as anything else (a part of and not apart from 'nature'), then it is difficult to determine how in fact we can in this

[63] Useful references that discuss at length the various meanings of 'nature' are Kate Soper's *What is Nature? Culture, Politics, and the Non-Human* (1995) and from an environmentalist's perspective see Holmes Rolston III, 'Can and Ought We to Follow Nature?' in *Philosophy Gone Wild: Essays in Environmental Ethics* (1986).

sense 'interfere' with it – as the 'it' is by definition whatever we (as part of nature) do. The obvious problem in *applied terms*, is that many of the things we 'do' have a severely detrimental effect upon the whole and/or other individuals. But, if we – and by extension what we do – are simply a part of nature then all human actions in this respect are nevertheless 'natural'. Steven Vogel succinctly summarises this equivocation,

> 'Thus, on the one hand, to take seriously the anti-anthropocentric claim that humans are simply one species among others, continuous with the rest of nature, seems to require employing the term nature in a sense that makes it impossible for any human action, no matter how environmentally vicious, to be called 'unnatural'. On the other hand, if we do wish, as many do, to call such action violations of nature or harms to nature or something similar, that in turn seems to depend upon a sense of the word nature that renders every human action unnatural. The problem is that neither meaning allows us to distinguish between those human actions that 'violate' nature and those that are in some way in 'harmony' with it: either we violate it all the time or violations of it are logically impossible' (2002, p.26).

There is here then an embedded dualism: for nonanthropocentric views to remain consistent it would seem that nonhuman species cannot harm nature *in quite the same manner* as humans. Clearly, in the struggle for survival all animals 'harm' nature - as the very act of living (and thriving) must at some point be at the expense of other parts of nature (even the herbivore 'harms' countless plants and insects). This view of nature then is committed at some level to asserting that humans possess an ontological and moral status that is qualitatively different from other animals. However, this all too readily draws us back to the very assertion that environmentalists and animal advocates perennially wish to distance themselves from – that humans are fundamentally different, and therefore are a 'special' case in nature. 'Special' here, in anthropocentric parlance, is usually taken to mean that we have special dispensation to treat nature (as something 'out there' in this case) instrumentally.

This order of problem is not merely one of interpretation of nature or what constitutes our place within it, but represents a serious and persistent challenge for development of any applied animal advocacy ethic - and arguably denotes the central theme of environmental ethical discourse at large. The key point from the

perspective of the remit of this work, is that although there may be a logical dualism extant in the kind of ways we think about our place in the world and our treatment of other species, it remains the case that the human and so-called natural world are in practice inextricably intertwined. Indeed, intertwined to a degree that makes it pointless and indeed conceptually incoherent to try to distinguish them, because the 'relation of humans to the environment is fundamentally active and transformative' (Vogel, 2002, p.32). So, on this account, to be a human being is to be interactive in the environment, and to be active is by default to transform it. Humans then are not separate from the world – or the world 'separated' from humans in any meaningful way. The pertinent question is not merely what it is we (should) do with nature, but also how we ourselves are 'of nature'. According to Val Plumwood, we cannot in neo-Cartesian manner rightly divide the world into two separate domains: an ethical, human realm and an animal, ecological realm, everyone and everything exists in both (1999). As Vogel suggests, the difficulty arising from this admittance is the problem of how to 'read off' from nature a set of ethical maxims (2002, p.33). The underlying difficulty here is not the superficial acknowledgment that nature is amoral in and of itself (the 'amorality' of which is a familiar enough commonplace pretext for human 'immorality'), but that for humans nature (however we define it) is *already and always interpreted ethically.*

Notwithstanding scientific 'facts', I believe that what this view of nature gives us is the opportunity to ask not what nature may require, but rather how we might interpret nature to make it what it 'ought' to be. In sum, I submit in the context of the individualistic approach advocated in this work, that it requires us to perceive of our (individual) place in nature not as an aggregated member of one of an innumerable preferred group, but that '...fundamental reality is best represented by saying that the earth is populated by individuals who resemble one another, and who differ from one another, in myriad ways, rather than by saying that the earth is populated by different kinds of beings' (Rachels, 1990, p.174). An immediate qualification is necessitated here: this is not to entirely eschew nature (we are on this account after all *a part of* nature), or to intimate that overt anthropocentrism or blatant stewardship is then merely a 'restating and reinterpreting of nature', but rather to foster ways that may enable us to focus the kinds of ethical responses to the nonhuman (and human) world upon an appreciation of the profound responsibility us humans face in the light

of our ongoing ethical interpretation. In this thesis I have argued that in the context of mainstream strands of animal advocacy including welfarism, conservationism and ecocentrism, we have largely failed.

Relevant difference or relevant similarity?

A pivotal causation for this recurrent failure, that has been alluded to in the context of earlier discussion upon welfarism, paternalism and holism, is the problem of determining what precisely constitutes 'difference' between humans and nonhumans (and therefore importantly what constitutes our moral obligations and designation of moral boundaries). It is this persistent confusion both within theoretical and applied animal advocacy that forms a further core challenge for any applied ethic in regard to our treatment and use of the other animals that share this world.

In relatively recent times this question has fomented much philosophical debate, biological research and behaviourally based observation. Arising from this ever expanding volume of work, argument both *for and against* the notion of ascribing greater moral status to nonhuman animals has been advanced. For example, philosophical argument has increasingly begun to reference empirical findings in the fields of genetics, neurology, ethnology and the behavioural sciences.[64] For many moral philosophers, much contemporary research in these areas has (often without direct intent) further brought into question the once taken-for-granted view that human beings possess a plethora of 'unique' traits within the animal kingdom. The possession of reason, empathy, reciprocity, the ability to mourn, a sense of 'fair play' and even what has been determined as a 'moral' predilection have all been variously methodically observed by researchers in several

[64] The empirical studies are numerous and mounting. Some useful starting references on these observable traits are: Allen, C., and M. Bekoff, *Species of Mind (*1997), Brosnan, S.F., and Frans B. De Waal, 'Monkeys reject unequal pay' (2005), pp.297-99., Cluton-Brock, T.H., and G.A. Parker, 'Punishment in animal societies' (2004), pp.209-16., Douglas-Hamilton, I., S. Bhalla, G. Wittemyer, and F. Vollrath, 'Behavioural reactions of elephants towards a dying and deceased matriarch'. (2006), pp.87-102., Fehr, E., and S. Gachter, 'Fairness and retaliation: The economics of reciprocity' (2006), pp.159-81., Frank, S.A. *Foundations of Social Evolution (1998)*, Katz, L.D., ed. *Evolutionary Origins of Morality: Cross Disciplinary Perspectives* (2006), Nowack, M.A., and K. Sigmund, 'Evolution of indirect reciprocity '(2006), pp.1291-98., Parr, L.A., B.M. Waller, and J. Fugate, 'Emotional communication in primates: Implications for neurobiology' (2005), pp.1-5., White, T.I., *In Defense of Dolphins: The New Moral Frontier (*2005)., Wilkinson, G. 'Reciprocal food sharing in vampire bats' (1984).

nonhuman species.[65] For others, the findings point to observational differences between human and nonhumans in evolutionary development that, although subtle, should not be discounted.

There is a persistent problem here for animal advocacy however. Notwithstanding the obvious dangers of overt anthropomorphism, there nevertheless remains clear mounting empirical evidence for many other species possessing what would, in commonplace terms, be interpreted as 'human traits'. Despite furnishing 'hard' scientific observational and falsifiable research results to bolster the claims of those who would defend animal rights, the scientific 'facts' – although of significant scientific interest - may not necessarily prove decisive in future debate on the moral status of nonhumans. The ever expanding body of evidence pointing to the *similarities* between species (especially the 'higher' mammals) that emphasise evolutionary and behavioural parallels, may in fact fail to make a convincing moral claim for a radical rethink in our attitudes to nonhumans. Simply put, it seems a somewhat disturbing observation that despite the clear and provocative evidence for cognitive similarities between species, there remains a deep-seated 'belief' within the human cultural psyche that there is a *decisive and relevant* difference between human and nonhuman animals.[66]

The idea and 'fact' of difference between human and nonhumans has likewise been co-opted to argue for both the 'for' and 'against' positions regarding animal rights and nonhuman moral standing. There would seem to be an inescapable dualism embedded in the developing animal ethical debate: namely, in arguing for an emphasis on difference, we downplay the similarities; in arguing for similarity we downplay differences. It would seem that the moral case for a radical repositioning of the moral status of nonhumans is condemned to pursue either a 'similarity' approach (the 'fellowship' of pain and suffering as exemplified within utilitarian based animal

[65] And it is to be noted that this is not to be construed as mere anthropomorphism, as these observations have been exhaustively observed under falsifiable, repeatable, and rigorous scientific study over extensive periods of time.

[66] Richard Sorabji makes this point in discussion of the one-dimensionality of animal ethical theory in *Animal Minds and Human Morals: The Origins of the Western Debate* (1993), p.217. Furthermore, one may merely cite the percentage of people (over 40% in the USA) that still 'believe' that evolutionary theory is terminally flawed or simply wrong – despite the overwhelming evidence to the contrary. Likewise, given that billions continue to believe in a theistic conception of God regardless of the impossibility of furnishing any evidence whatsoever for such a conception, also bolsters my claim that evidence does not equate to a change of 'belief'.

liberation theory) or a 'difference' approach (that us humans uniquely have the moral capacity to recognise and thus assign inherent value – typically posited by deontological theories of animal rights). However, if indeed both difference and similarity typically *characterize* actual physiological, psychological and behavioural attributes of sentient beings, the case may be made for embracing *both* the similarities (that we 'share' an undeniable commonality with other sentient beings), and the differences (our higher intelligence and concomitant complex moral responses). Difference and similarity thus include matters of factual reference and not merely moral inference.

In this sense it may be argued that factual reference cannot straightforwardly offer a robust grounding for espousing any moral theory. It can, however, help to provide a framework that is not bound to the solely theoretical and suffer from the one-dimensionality discussed in chapter two, but has within it a 'direct' appeal to application and practice. Herein such a notion may go some way to bridging the gap between ethical theory and ethical practice in its inclusion of 'real-world' factual reference.[67] This is of course not to infer that extant animal ethical theories ignore this practical dimension. Indeed, in *Animal Liberation* Singer devotes whole chapters to describing the empirical treatment of animals in scientific research and factory farming.[68] In actual fact, it may be fairly said that for a great number of those who endorse ethical theories that argue for animal interests, it is the underlying disquiet felt in the daily treatment and use of animals that brings a singular poignancy to the theoretical debate at large. Bringing the mounting empirical evidence for difference and similarity to the animal ethics discourse is at any rate likely unavoidable.

Conclusion

Of course, theory and practice are neither mutually exclusive nor carried out in a vacuum. Indeed, in the case of the arguments concerning our obligations to animals

[67] And the version of biocentric individualism argued for in this work fully accepts that empirical 'facts' are increasingly important in the 'ethical' argument. With regard to determining the moral status of nonhumans, the philosophical admonition to avoid extrapolating 'oughts' from what 'is', is moot in environmental ethical terms. It is clear that what traits an animal 'is' empirically proven to possess must have a direct bearing upon our ethical deliberations (indeed, this is how we derive our understanding of ourselves). The possession of sentience for example can only be an 'empirically' observed state.

[68] See Singer, *Animal Liberation* (1995) and also *Practical Ethics* (1993).

presented in this work, the substantive 'facts' and the rigorous theoretical argument ought, I think, to be viewed as mutually inclusive. Acceptance of this mutual inclusiveness does of course not mean that agreement on moral relevance will always be possible – as the subject matter of the preceding chapters readily illustrates. We may disagree on the moral relevance of an analogy (and animal ethics is littered with more than its fair share of analogous argument), but agree that the onus is on finding the morally relevant disanalogy. For example, we may argue that human use of language equates to a moral relevance, but may also argue that possession of syntax is not a prerequisite for experiencing a wide range of emotions such as fear at the slaughterhouse, or the pathological depression experienced by the zoo exhibit. A central point to draw out from this observation, that echoes much of the argument advanced thus far, is that because ethical issues are deemed morally important, this does not necessarily mean that they are morally relevant in a particular case. In this sense, when individuals fail to agree on moral relevance, and invoke any one extant mainstream moral theory to bolster such conclusions, there is an embedded presumption that the chosen worldview addresses the 'particular' adequately and consistently. With regard to mainstream ideas of animal advocacy, I have argued that there exist serious theoretical anomalies that colour wider animal advocacy in subtle, yet decisive ways. It is with this misgiving in mind that I have presented my evaluation of animal advocacy in this work.

The devil is of course in the detail. It is the efficacy (and I have argued in this work the *non-effectiveness*) of the normative theoretical groundings of 'nonanthropocentric' ethical approaches that, I have argued, need urgent scrutiny. I have in this work further attempted to illustrate this point in reference to prevailing animal protectionist approaches. Building upon an overview of rights-based animal advocacy in chapter one, I argued in chapter two that the normative welfare approach that commits to a principle of 'killing with kindness' fails spectacularly in its protectionist aims towards animals in human servitude.[69] Chapter three explored the embeddedness of similar presumptions of 'use' towards nonhuman animals in discussion of interspecies paternalism and its failure to address the problems of identifying the 'real' interests of any individual or indeed group. Chapter four

[69] It 'fails' both in its aim to adequately protect the life of individual animals (its claim to protectionism), and in its presumption that good welfare is sufficient (it is a flawed aim).

continued with a critique of ecocentric ethics and its questionable holistic refocusing to 'ecosystemic contribution' driven by the presupposition that nonhumans (but not humans) be valued merely to the degree of their systemic value to a greater holistic whole. Chapter five and six subsequently considered if a weak form of biocentric individualism may be grounded upon the considered arguments of the body of this work and explored the likely practical implications. Those arguments claimed that there existed an embedded *illegitimacy of use* arising from a failure to recognise or acknowledge the presumptive utilisation of nonhumans and that this was endemic to contemporary animal advocacy.

The problematic commonality between the normative nonanthropocentric ways of defining our relationship to other-than-human animals is, I believe, the unconsidered presumption of the moral legitimacy of animal use. Whether the ethical call is to equal consideration of interests, ethical husbandry or biospheric egalitarianism, each is characterised by a wholesale failure to consistently challenge the far reaching significance of the tacit assumption that humans possess the authority or capacity to directly adjudicate upon nonhuman life and death decisions. I have therefore argued throughout that it is this underlying assumption of presumptive utilisation that is the causal factor for the endemic failure to interrelate with the nonhuman world in a morally justifiable manner, I have proposed a challenge to these underlying assumptions in the form of a developed biocentric individualism.

Glossary of Terms

Animal Advocacy: This titular term is to be understood in the context of this work to designate a general disposition of pro-animal support in matters of ethical deliberation. My usage does not however suggest that animal advocacy is any one thing, or that animal advocacy is to be viewed as a homogeneous position. Indeed, in considering the inclusion of nonhuman animals in ethical deliberation diverse other factors such as human needs or environmental integrity for instance are, on my account, requisite in espousing a consistent pro-advocacy position. In this sense, animal advocacy as used throughout this work qualitatively differs from a generalised empathic disposition towards nonhumans ('liking' animals) or a limited acquiescence to a welfare based restrictions (acknowledgment that at least some restrictions on our use of animals should be promoted – frequently encapsulated in the notion that we cannot do 'whatsoever we like' to sentient beings). In its usage here then, it rather denotes that the animal advocate, in acknowledging the vulnerability of many nonhumans in the face of human activity, proactively appeals for the appropriate inclusion of nonhumans in the broad sphere of moral consideration. It therefore strongly suggests a *proactive* posture on behalf of the advocate, and can encompass many activities that a person or organization undertakes on behalf of nonhuman animals. These measures may, for example, variously include media campaigns, public speaking, commissioning and publishing research, the instigation of legal challenges or even direct activism.

Animal Rights: It is noteworthy that the debate within and without animal ethics is generally termed the 'animal rights' debate. This is somewhat of a misnomer however, as this view encompasses diverse theoretical and practical interpretations such as welfarism, abolitionism and various positions juxtaposed between these - and not necessarily strictly 'rights-based' ascriptions. In this nominal sense, I believe the 'language' of rights cannot rightly be ignored entirely in a work on 'animal rights'. In this way, the term as used throughout this work denotes more than the standard dictionary definition of the 'right' of animals to be treated well. Indeed, the assertion of some duty of care toward animals does not adequately encapsulate the animal rightist viewpoint outlined here. Individuals, for example, are frequently (and often

happily) responsible for the welfare of animals in their care, but this is not the same as bestowing rights on animals. A central claim of the rights position is that In treating a nonhuman animal merely as a means to human ends we violate the rights of an autonomous individual and ignore our moral duties owed to moral 'patients' (Regan, 2004). Much current practice and policy towards nonhumans clearly violates such an edict, being crucially exemplified in their legally defined status of 'property'. Within the scope of my usage here, I do not intend to forward a defence of the classical liberal interpretation of rights, and consistently argue that the nonhuman individual does not, and should not, readily fit the classical liberal model based largely upon a 'positive' rights paradigm. Animal rights understood in this way, therefore necessitates privileged 'third party advocates' to defend the voiceless and protest against perceived maltreatment. In this sense, animal rights as interpreted here does not seek as a primary goal a structured, literalised and legalistic pantheon of rights, but endeavours to readdress, redefine and reassess the moral status of, and our moral obligations to, nonhumans. In short, the 'right' to be considered as moral subjects by any person who has moral principles, regardless of what those moral principles may be.

Animal Rights-Based View: Following on from my definition of animal rights, I submit, as a central tenet of this thesis, that the primary underlying factor that is a cause for disconcertion for a great many individuals is the 'inescapable' radical underpinning of the animal rights case. Indeed, I readily concede that if the case is successfully made for accepting that arbitrary instrumental use of 'moral beings' is effectively immoral, the real-world implications are nothing short of revolutionary in scope. If there is any quantifiable 'intuitive' aspect to our feelings toward other sentient beings and our subsequent treatment of nonhuman animals, it may well transpire that it is, in part at least, a deep-seated apprehension within the human psyche to embrace the seismic changes that must ensue in our everyday treatment of animals. However, my persistent contention throughout this thesis is that the brevity of the challenge is no reason to assign this undertaking to the defeated ranks of 'utopian' imaginings.

Animal Welfare: Largely, dictionary definitions of welfare itself use normative ideas of physical and mental health and happiness as pivotal to the aims and ideals of

welfare. 'Welfare' in its broader sense can encompass not merely desires, but include fulfilment of preferences and indeed interests, and take on subtle but importantly distinct connotations. I submit however that 'animal welfare' as used in this work should not be conflated in meaning and application with this broader (human) understanding and usage that turns in part upon notions of 'positive' rights and developed well-being of moral agents (as opposed to moral patients and our 'negative' obligations to such). The term animal welfare as used in this work generally connotes (unless otherwise stated) the normative and eclectic view of animal welfare as expressed above, one that equates ideas of physical and mental wellbeing *within* a 'welfare' framework. However, I maintain that implicit in this framework are prescriptive *limitations* on our full moral duties toward other sentient beings. For example, viewing animal 'rights' as equating primarily to welfarist aims ranging from human education on the salient issues to assigning legal protection does not encompass the 'spirit' of what it is to be attributed rights in general. In this sense, the welfarist concept of 'rights' as I interpret it in this work, leaves the welfare of nonhuman animals 'arbitrarily' open to interpretation dependent upon politics, period and place. There is therefore a need to distinguish between what may constitute human conceptions of 'welfare', 'animal' welfare in its many forms, and the divergent animal rights position - both in theoretical and practical terms. This divergence in ways of thinking about interspecies relationships is, I argue, fundamental to our understanding of welfare and our treatment of other animals – and indeed to my thesis here.

Anthropocentrism: Throughout this work I use the term in the commonplace understanding that, broadly defined, constitutes the tendency for humans to regard themselves as the central and most significant entities in the universe and thus recurrently tend towards an unreflective assessment of 'reality' through a selectively human standpoint. There is however an important distinction to be made between 'anthropogenic' provenance, and 'anthropocentric' bias, that is to be borne in mind throughout in my repeated use of the term anthropocentrism. 'Anthropogenic' as used in this work denotes the commonplace meaning relating primarily to the origin and development of modern human constructs - in essence, that which is 'created' by man. In this sense, our actions and subsequent impact upon the world around are

'man-made'. Importantly however, anthropogenic provenance does not correlatively 'fix' our worldview as one delimited exclusively and necessarily by rigid and inflexible forms of human-centrism. Therefore caution needs to be exercised in presumptions of 'anthropocentrism' as being 'natural' for humans (as this presumption could ultimately be used to justify 'any' decision/moral perspective). In this sense anthropogenic ways of thinking and applying meaning are little more than our genetic inheritance - and thus fully embraced. Anthropocentrism (and particularly in its more crude assertions), on the other hand is not a 'given' - as we may as moral agents, for example, 'decide' to give equal consideration of interests irrespective of our anthropogenic provenance (just being human).

Biocentric Individualism: The term biocentric individualism as forming part of the title of this work reflects a key acknowledgment of the central importance of ascribing moral standing to *individual* living creatures. As such, '...to view the place of humans in the natural world from the perspective of the biocentric outlook is to reject the idea of human superiority over other living things. Humans are not thought of as carrying on a higher grade of existence when compared with the so-called 'lower' orders of life' (Taylor, 1986, p.45). The biocentric view forwarded in this thesis therefore posits that intrinsic value lies in the perceived 'good' of the *individual* bearers of moral standing (and on this account, living animals). This perceptible good may include such things as the capacity for growth and flourishing, practical autonomy, and chance to live as 'natural' a life as possible. As no *automatic* priority is accorded to beings that are deemed to be more sophisticated within this schema, the view precludes normative hierarchical ways of looking at nature at large.

Ecocentrism: For proponents of the ecocentric position, ecocentrism constitutes a radical challenge to normative anthropocentric ways of looking at nature in that it promulgates a nature-centred, as opposed to human-centred, system of values. The justification for ecocentrism normally consists in an ontological belief and subsequent ethical claim. The ontological belief denies any existential divisions between human and non-human nature sufficient to ground a claim that humans are either (a) the sole bearers of intrinsic value or (b) possess greater intrinsic value than non-human nature. In this work, I argue against the efficacy of the ecocentric ethical claim for

biocentric egalitarianism arising from these premises as forming an adequate protectionist model for a thoroughgoing animal advocacy.

Holism: Defined as the belief that each thing is a whole which is more ontologically (and frequently morally) important than the parts that make it up, the idea forms the antithesis to an individualistic and rights-based viewpoint as presented in this thesis. Holism is recurrently forwarded as a perspective that is inclusive, reflects an empirical understanding of nature, and is both scientifically and ethically sound. However, I submit that this systemic view of nature at large, rather than forwarding an egalitarian agenda for interspecies relationships, cultivates a hierarchical understanding of the structure of nature. Taking a Darwinian view - that difference within the natural world is always a matter of degree and not of kind - it is my contention that the systemic view too readily conflates the complexity, interdependency and mutuality of the natural world with notions of hierarchy that are, I argue, uniquely human in provenance. Consequently, the nonhuman individual is 'lost' in the dominant belief that hierarchy between groups forms the 'natural' order of nature.

Individualism: The idea that freedom of thought and action for each individual is the most important quality of a society, rather than shared effort and responsibility. The concept of animal rights, in extending moral consideration to nonhuman animals, expands the boundaries of the ethical community and in including nonhuman individuals in its ethical scope, definitions of freedom and autonomy and what that may signify for nonhumans is central to our understanding of moral considerability to other sentient beings. Implicit in the meaning of individualism in the context of this thesis therefore is the assertion that it is only individual living organisms that have interests - and not aggregate groups such as species/ecosystems/biotic communities. In order to properly fulfil the radical promise of an animal rights position, I will argue that 'doing justice' to the individualism that is pivotal to this stance requires an elementary re-examining of the established hierarchical view in order to properly locate the nonhuman individual within the moral landscape.

Paternalism: Paternalism defined as coercion of the individual for their own good has, I argue, particular meaning for our understanding of our dealings with

nonhumans. The normative view has two allied, but discrete, assertions: (1) the paternalistic action is primarily intended to benefit the recipient, and (2) the recipient's consent or dissent is not a relevant consideration for the initiator. Given that we cannot readily and meaningfully assess what is in the interest of other species (without overt presumptions of 'sameness'), and that nonhuman animals cannot either consent or dissent through rational process, the idea of paternalism when directed at other-than-human animals raises new challenges to the commonplace conception. Paternalism towards nonhumans, in practice then, frequently takes on a generic quality that may well include 'legitimate' welfare based actions, but more often reflects attitudes of underlying human chauvinism. This chauvinism may take many forms ranging from selective conservation and preservation policy and practice, to ideas of what may constitute good welfare practice and prescriptive nonhuman flourishing. I argue for a redefinition of our commonplace understanding of paternalism in the interspecies context, advocating that an 'interspecies paternalism' must redefine normative ideas of stewardship and biodiversity and take into account the 'otherness' of the nonhuman individual if it is to be morally legitimate.

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